



CHAPTER cv.

An Act to vest in the Corporation of Belfast the White Linen Hall and surrounding land connected therewith and to provide for the adjustment of certain accounts relative to the Cemetery. A.D. 1890.
[25th July 1890.]

WHEREAS at the time of the execution of the indenture of settlement next hereinafter recited Arthur then Earl of Donegall was or claimed to be seized of in fee and entitled to among other estates the castle manor town borough and lands of Belfast and lands in the county of Antrim the latter then including the lands and premises upon which were afterwards erected the buildings hereinafter referred to as the "White Linen Hall":

And whereas by indenture of settlement dated the 12th day of November 1761 and made between the said Arthur Earl of Donegall of the first part Lord Archibald Hamilton Sir James Dashwood and the Honourable John Smith Barry of the second part the Right Honourable Francis Earl Brooke and Earl of Warwick and Sir Robert Burdett of the third part the Honourable Richard Barry John Ludford and Samuel Dixon of the fourth part and Anne Duchess Dowager of Hamilton and Brandon and Lady Anne Hamilton her daughter of the fifth part (being the settlement executed on the occasion of the marriage of the said Earl of Donegall and the said Lady Anne Hamilton) the said castle manor town borough and lands of Belfast and lands in the county of Antrim among other estates were limited to the use of the said Earl of Donegall for life with remainder subject to a jointure rentcharge in favour of the said Lady Anne Hamilton and charges for younger children and terms of years for securing payment of the same respectively which have long since determined to the use of the first and other sons of the said marriage successively in tail male with divers remainders over:

And whereas by the said last hereinbefore recited indenture a certain leasing power was conferred in the words following (that is
[Price 1s. 6d.] A 1

[Ch. cv.] *Belfast Corporation (Various Powers)* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. to say) " Provided always and it is hereby declared and agreed by
" and between all the said parties to these presents that for the
" encouraging of building at Belfast it shall and may be lawful to
" and for the said Arthur Earl of Donegall from time to time and
" at all times during his life by indenture or indentures under his
" hand and seal to demise all and every or any of the houses lands
" tenements hereditaments and premises situate lying and being in
" the town of Belfast upon repairing or building leases unto any
" person or persons either for one two or more life or lives to
" continue for and during and unto the full end and term of ninety-
" nine years to be computed from the day of the date of such lease
" or leases or for any number of years determinable on the death or
" deaths of one two or more person or persons or for any term or
" number of years not exceeding ninety-nine years the said several
" and respective lease and leases to commence and take effect either
" in possession reversion or by way of future interest or to make
" grants or conveyances of any of the said houses lands tenements
" and hereditaments in the said town of Belfast by way of fee farm
" as is usual in the kingdom of Ireland and to grant and convey the
" inheritance of such part or parts of the same premises to any
" person or persons for repairing and building in the said town of
" Belfast and with full power to insert as there shall be occasion in
" any of such repairing or building grants leases or demises a
" power to pull down and demolish any of the old houses or
" buildings in such grants leases or demises to be comprised and
" convert the materials thereof to such uses and purposes as in the
" said grants leases and demises shall be mentioned so as in all such
" grants leases and demises there shall be reserved to continue
" payable during the continuance of such grants demises and leases
" respectively the best and utmost rent and rents that the person
" or persons so empowered to make and execute such grants and
" leases for the time being as aforesaid can get for the same
" without taking any money or other consideration for the same as
" for or by way of fine premium or foregift and so as no clause be
" contained in such lease or demise to be made for lives or years
" giving power to any lessee to commit waste or exempting him her
" or them from punishment for committing the same further than
" in pulling down the said old houses and buildings so to be
" comprised in any building lease or leases as aforesaid and so as
" in every such lease or grant so to be made there be contained a
" clause or condition of re-entry for non-payment of the rent or
" rents thereupon to be respectively reserved and also a covenant
" from the respective lessee or lessees of such part of the premises
" respectively as shall be let or set for lives or years in order to be

“ built upon rebuilt or repaired to maintain and support the house A.D. 1890.
“ and buildings so to be built and repaired as aforesaid in tenantable
“ repair during the terms and interests thereby to be respectively
“ granted and demised and so to leave and yield up the same at the
“ end of the terms thereby respectively to be granted and so as the
“ respective grantees and lessees execute counterparts of all such
“ grants and leases Provided also and it is hereby also further agreed
“ and declared by and between all the said parties to these presents
“ that it shall and may be lawful to and for the said Arthur Earl
“ of Donegall from time to time and at all times during his life by
“ any deed or deeds indented sealed and delivered in the presence of
“ two or more credible witnesses to make any leases demises or
“ grants in possession but not in reversion of all and singular other
“ the premises hereinbefore granted and released or intended so to
“ be (other than the houses and buildings at Belfast in the last
“ above proviso mentioned) unto any person or persons whatsoever
“ for any term or number of years not exceeding three lives or
“ forty-one years or sixty-one years (subject to the several powers
“ conditions limitations and agreements hereinbefore mentioned) so
“ as upon all and every the said last-mentioned leases there be
“ reserved and made payable during the continuance thereof
“ respectively not less than the present yearly rents and so as
“ none of the same leases be made dispunishable of waste by any
“ express words therein and so as in every such lease there be
“ contained a clause of re-entry for non-payment of the rent or
“ rents to be thereby respectively reserved and so as the lessee and
“ lessees to whom such lease or leases shall be made seal and
“ deliver counterparts of such lease and leases anything herein
“ contained to the contrary thereof in anywise notwithstanding”:

And whereas the marriage between the said Arthur Earl of Donegall and Lady Anne Hamilton was duly solemnised and their eldest son was the Honourable George Augustus Chichester commonly called the Earl of Belfast:

And whereas in the year 1782 the linen drapers and other inhabitants of the town and neighbourhood of Belfast interested in the linen trade held a meeting in Belfast with a view to the establishment of a white linen market and the erection of a linen hall sufficient for the accommodation of the white linen trade and subsequently application was made to the said Earl of Donegall for the grant of a site for such market to which application the said Earl acceded:

And whereas by indenture dated the 4th day of September 1783 and expressed to be made between the said Arthur Earl of Donegall of the one part and George Black William Legg John Russell and

A.D. 1890. Francis Turnley of the other part after reciting as therein and that a subscription had been set on foot and money subscribed for the purpose of erecting a large commodious hall or market house in or near the town of Belfast for the public sale therein of white linens and that the subscribers thereto had requested the said Earl of Donegall to grant the piece of ground thereafter described to be held upon the trusts thereafter declared the said Earl of Donegall granted or purported to grant unto the said George Black William Legg John Russell and Francis Turnley and their heirs all that piece or parcel of meadow ground (being part of the castle meads) situate on the south side of the town and castle of Belfast in the county of Antrim and near the ancient ramparts of the said castle and containing in length at the front towards the north next the said ramparts and likewise at the south end or rere thereof 382 feet of assize each or thereabouts and on each side at the east and west ends thereof 282 feet of assize or thereabouts in a plan annexed to the said indenture more particularly described (being part of the lands comprised in the said indenture of settlement of the 12th day of November 1761 hereinbefore mentioned) together with a free way and passage for passengers horses carts and carriages to pass and repass at all times thereafter to and from the said ground and premises thereinbefore granted into and from the said town of Belfast in by and through the stable yards and gardens then belonging to the said castle of the width of 80 feet throughout and in a direct line from the centre of the front of the said new intended hall to High Street nearest Castle Street as also a like free way and passage at all times thereafter along the front and rere and on each side of the ground thereinbefore granted of the full width of 50 feet of assize for the better accommodation of the said intended hall or market house excepting as therein to hold the said piece or parcel of meadow ground way leave and all other the premises thereby granted unto and to the use of the said George Black William Legg John Russell and Francis Turnley their heirs and assigns for ever upon the trusts thereafter declared at the yearly rent of £4 10s. 0d. By the said indenture it was declared and the said grantees for themselves respectively and for their several and respective heirs and assigns covenanted with the said Earl of Donegall his heirs and assigns that they and their heirs would stand seized of the said piece of meadow ground upon trust to permit and suffer a hall or market house to be erected and to stand and to be continued thereon for the public sale of white linens and to be used as such at all times thereafter in such manner and under and subject to such rules orders and regulations as the subscribers thereto their respective executors administrators or assigns or the major part of them in value or any

[53 & 54 VICT.] *Belfast Corporation (Various Powers)* [Ch. cv.]
Act, 1890.

committee or committees to be appointed by them for that purpose should from time to time direct and appoint and to and for no other use intent or purpose whatsoever : A.D. 1890.

And whereas by virtue of indentures of lease and release and of bargain and sale duly enrolled the release bearing date the 5th day of May 1791 and made between the said Earl of Donegall of the first part the said Earl of Belfast of the second part David Gordon of the third part and Sir Charles Henry Talbot of the fourth part and by virtue of the several recoveries suffered in pursuance thereof the said castles manors lands and premises comprised in the said indenture of settlement of the 12th day of November 1761 were limited to the use of the said Earl of Donegall for his life with remainder to such uses as the said Earl of Donegall and the said Earl of Belfast should during their joint lives by deed appoint :

And whereas by indenture dated the 19th day of May 1792 and made between the said Arthur Earl of Donegall then Marquis of Donegall of the first part Lord Archibald Hamilton of the second part the said George Augustus Earl of Belfast of the third part Lord Spencer Chichester of the fourth part Lord Mordaunt of the fifth part Sir Charles Henry Talbot and the Reverend Jonathan Morgan of the sixth part and the Honourable Henry Skeffington and the Honourable William John Skeffington of the seventh part the said castle manor town and lands of Belfast and lands in the county of Antrim were with others limited and appointed subject to a term of ninety-nine years and to the trusts thereof which have long since determined to the use of the said Arthur Marquis of Donegall for life with remainder to the use of the said George Augustus Earl of Belfast for his life with remainder to the use of the first and other sons of the said Earl of Belfast successively in tail male with divers remainders over :

And whereas by the said indenture of the 19th day of May 1792 it was provided that for the encouragement of building on and enlarging the town of Belfast it should be lawful for the said Marquis of Donegall during his life and also for the said Earl of Belfast and Lord Spencer Chichester respectively after the decease of the said Marquis as and when they respectively should be in the actual possession of or entitled to the immediate freehold of the said castles manors lands and hereditaments to demise all and every or any of the houses lands and tenements situate within the town of Belfast or adjoining thereto on building or repairing leases for one two or three life or lives and a term of ninety-nine years or for any number of years determinable on the death or deaths of one two or three person or persons or for any term absolute not exceeding ninety-nine years or to make grants or conveyances of any of the said houses

A.D. 1890. — lands tenements and hereditaments in or adjoining to the town of Belfast for lives renewable for ever or by way of fee farm and in the latter case to grant and convey the inheritance of such part or parts of the same premises to any person or persons for building or substantially repairing any house or houses and other buildings thereon so as in every such lease and demise there should be reserved to be payable during the continuance of such grants leases and demises respectively the best and utmost rent that the person or persons empowered to make such grants and leases for the time being could reasonably get for the same without taking any fine and so as in every such lease demise or grant there be contained a clause or condition of re-entry for non-payment of rent or rents to be thereby reserved :

And whereas the said Arthur Marquis of Donegall died before the month of December 1799 and the said George Augustus Earl of Belfast succeeded to the said title and entered into possession of the said estates :

And whereas by indenture dated the 1st day of January 1803 and expressed to be made between the said George Augustus Earl of Belfast then Marquis of Donegall of the one part and Hugh Montgomery William Sinclaire Gilbert McIlveen junior Narcissus Batt and John Stephenson Ferguson of the other part after reciting the said indenture of the 4th of September 1783 and that upon part of the premises therein comprised a white linen hall had been erected and that the ground in front thereof being part of the premises demised as aforesaid by means of its not being taken in and enclosed was then a great annoyance to the public from the dirt and filth around the same and that a public walk for the accommodation of the inhabitants of the town was much wanted and that for that purpose the grantees conceived it eligible to relinquish ten feet of the said fifty feet purported to be demised by the said grant of the 4th of September 1783 in front of said hall and to accept of the offer of the said Marquis of Donegall of thirty feet in addition to the said fifty feet in the other three squares surrounding said Linen Hall the said Marquis of Donegall for effectuating the purpose aforesaid and for the considerations therein purported to grant unto the said Hugh Montgomery William Sinclaire Gilbert McIlveen junior Narcissus Batt and John Stephenson Ferguson and their heirs all that piece or parcel of ground situate at the rere of the east south and west squares of the Linen Hall containing in depth from the extent of fifty feet theretofore demised by the said late Marquis of Donegall for the accommodation of said Linen Hall thirty feet in each square making then in depth in the rere of each of said squares eighty feet and in front forty feet as the same is

A.D. 1890.

delineated on the map thereunto annexed to hold the same (excepting and reserving as therein is excepted and reserved) unto the said grantees and their heirs for ever upon trust nevertheless to the uses intents and purposes following that was to say not only as an appendage to the said Linen Hall so demised by the said indenture of the 4th of September 1783 but also for the use and accommodation of the public as aforesaid and to and for no other use intent and purpose whatever at the yearly rent of one shilling if demanded And it was thereby declared that the said parcel of ground thereby purported to be granted was granted in trust for the use of the Linen Hall and for the accommodation of the inhabitants of Belfast and the said indenture contained a covenant on the part of the grantees for themselves and their heirs to stand seized of said parcel of ground upon the trusts aforesaid and out of the funds of the subscribers to the Linen Hall to enclose the said premises as therein and also to gravel said intended walk in front of the said Linen Hall and to plant trees and shrubs for the ornament of the said square and a proviso that the said piece of ground should not be converted to any other use than for a public walk without the license of the said Marquis of Donegall his heirs and assigns :

And whereas by an indenture dated the 12th day of February 1819 the said George Augustus Marquis of Donegall and the Honourable George Hamilton Chichester (commonly called Earl of Belfast eldest son and heir apparent of the said Marquis) conveyed the said castle manor town and lands of Belfast and lands in the county of Antrim with other estates to Joseph Macartney to become tenant to the præcipe to suffer a recovery to such uses among others as the said Marquis of Donegall and the said Earl of Belfast should jointly appoint and pursuant to the said deed recoveries were duly suffered in the year 1819 :

And whereas by indenture of settlement dated the 28th day of October 1822 and made between the said George Augustus Marquis of Donegall of the first part the said George Hamilton Earl of Belfast of the second part and the parties therein named of the third fourth fifth sixth and seventh parts respectively the said town and lands of Belfast and lands in the county of Antrim were subject to certain charges and incumbrances therein mentioned and to terms of years granted for securing payment thereof all of which have since been satisfied and have determined limited to the use of the said George Augustus Marquis of Donegall for life with remainder to the said George Hamilton Earl of Belfast for life with remainder to the first and other sons successively of the said Earl of Belfast in tail male with divers remainders over :

A.D. 1890. And whereas the said George Augustus Marquis of Donegall died on or about the 5th day of October 1844 whereupon the said George Hamilton Earl of Belfast his eldest son succeeded to the said title and entered into possession of the said estates as tenant for life thereof :

And whereas the said George Hamilton Marquis of Donegall intermarried with the Lady Harriet Ann Butler on the 8th day of December 1822 and there was issue of the said marriage at the date of the private Act of Parliament next hereinafter recited Frederick Richard Chichester commonly called Earl of Belfast who attained the age of twenty-one years in the year 1848 and Harriet Anna Augusta Seymourina Chichester now Countess of Shaftesbury who on the 22nd day of August 1857 intermarried with Anthony Earl of Shaftesbury then Anthony Ashley Cooper commonly called Lord Ashley :

And whereas by private Act of Parliament passed in the session 8 and 9 Victoria and intituled " An Act to authorise the Sale of " Settled Estates of the most Honourable the Marquis of Donegall " in Ireland in order to pay off Mortgage and other Incumbrances " all the estates of the said Marquis comprised in the said indenture of settlement of the 28th day of October 1822 were vested in fee simple in John Hopton Russell Chichester and Thomas Verner and their heirs upon trust with the consent of the said Marquis as therein provided and after his death at the discretion of the said trustees to sell such parts of the same as the said trustees should think expedient for the purpose aforesaid And it was thereby enacted that such parts of the said estates as should not be sold should be conveyed and assured to for upon with and subject to such uses estates trusts and limitations as under the said indenture of the 28th day of October 1822 the said hereditaments and premises would have stood or been limited or subject to if the said Act had not been passed but not so as to revive any mortgage charge or incumbrance which should have been then satisfied under the provisions of that Act or otherwise :

And whereas the portions of the said estates which were comprised in the said indentures of the 4th day of September 1783 and 1st day of January 1803 respectively were not sold under the said Act and all the said mortgages and incumbrances then existing upon the said estates have been paid and discharged :

And whereas by disentailing assurance dated the 14th day of December 1848 and made between the said George Hamilton Marquis of Donegall and Harriet Ann Marchioness of Donegall of the first part the said Frederick Richard Earl of Belfast of the

second part and James Leman of the third part and duly enrolled in A.D. 1890.
the High Court of Chancery in Ireland pursuant to the provisions of
the "Act for the Abolition of Fines and Recoveries" the estate tail
of the said Earl of Belfast in the hereditaments comprised in the
said indenture of settlement of the 28th day of October 1822 was
duly barred and the said hereditaments subject to the life estate
therein of the said Marquis of Donegall were limited to such uses as
the said Marquis of Donegall and the said Earl of Belfast should by
deed jointly appoint:

And whereas by indenture of settlement dated the 23rd day of
July 1851 and made between the said George Hamilton Marquis
of Donegall of the first part the said Frederick Richard Earl of
Belfast of the second part John Hopton Russell Chichester and
Charles Cunningham of the third part and the several other parties
of the fourth and fifth parts therein respectively named the said
castle manor town and lands of Belfast and all the said estates
in the county of Antrim among others were appointed and conveyed
by the said Marquis of Donegall and the said Earl of Belfast to the
said John Hopton Russell Chichester and Charles Cunningham their
heirs and assigns subject as therein mentioned and to the trusts of
certain terms of years which have since determined to the use of the
said Marquis of Donegall for life with remainder to the use of the
said Earl of Belfast for life with remainder to his issue as therein
mentioned with remainder in default of such issue to the afterborn
sons of the said Marquis in tail with remainder (except as to the
lands of Island Magee in the county of Antrim) in default of such
issue to the use of the said Countess of Shaftesbury then Lady
Harriet Anna Augusta Seymourina Chichester for life with
remainder to her first and other sons successively in tail male with
remainder to the daughters of the said Countess of Shaftesbury and
the heirs of their respective bodies as tenants in common with
divers remainders over:

And whereas the said Frederick Richard Earl of Belfast died
on the 11th day of February 1853 unmarried and without issue and
the Right Honourable George Augustus Chichester May is the sole
surviving trustee of the said indenture:

And whereas the said George Hamilton Marquis of Donegall
died upon the 20th day of October 1883 leaving no son or issue
of any son him surviving and thereupon the said Countess of
Shaftesbury entered into receipt of the rents and profits of the
said town and lands of Belfast and other estates so settled upon
her as aforesaid including the lands comprised in the said
indentures of the 4th day of September 1783 and the 1st day of
January 1803 respectively as tenant for life thereof:

A.D. 1890.

And whereas the said Countess of Shaftesbury has had issue one son only the Right Honourable Anthony Earl of Shaftesbury who was born in the month of September 1869 and is an infant under the age of twenty-one years and five daughters namely the Honourable Margaret Emily Levett commonly called Lady Margaret Emily Levett the Honourable Evelyn Harriet McGarel Hogg commonly called Lady Evelyn Harriet McGarel Hogg the Honourable Mildred Georgiana Ashley commonly called Lady Mildred Georgiana Ashley the Honourable Susan Violet Ashley commonly called Lady Susan Violet Ashley and the Honourable Ethel Maud Ashley commonly called Lady Ethel Maud Ashley :

And whereas parts of the said town and lands of Belfast and other estates in the county of Antrim comprised in the said recited settlement of the 23rd day of July 1851 including the Linen Hall estate are now vested in the trustees of the Presbyterian Church in Ireland by way of mortgage which is the only incumbrance affecting the said Linen Hall estate :

And whereas by three several indentures dated respectively the 23rd day of September 1820 the 20th day of August 1834 and the 16th day of April 1867 the premises comprised in the said recited indenture of the 4th day of September 1783 were conveyed to successive trustees and became vested in John Francis Ferguson Samuel Graeme Fenton Robert Narcissus Batt and Thomas Montgomery their heirs and assigns upon the trusts declared by the said last-mentioned indenture :

And whereas by two several indentures dated respectively the 20th day of August 1834 and the 16th day of April 1867 the premises comprised in the said recited indenture of the 1st day of January 1803 were conveyed to successive trustees and became vested in the said John Francis Ferguson Samuel Graeme Fenton Robert Narcissus Batt James Thompson and Thomas Montgomery their heirs and assigns upon the trusts declared by the said last-mentioned indenture :

And whereas the said John Francis Ferguson is now dead :

And whereas on the 5th day of June 1888 the said Countess of Shaftesbury and the said Earl of Shaftesbury an infant by the said Countess as his mother and next friend commenced an action (1888, No. 10,289) in the Chancery Division of the High Court of Justice in Ireland in which the said Samuel Graeme Fenton Robert Narcissus Batt Thomas Montgomery James Thompson and others are defendants claiming that the grants purported to be made by the hereinbefore recited indentures of the 4th day of September 1783 and the 1st day of January 1803 were void and that a declaration

might be made to that effect and that the said deeds might be delivered up to be cancelled and also claiming possession of the lands and premises comprised in the said indentures respectively and that an account might be directed against the committee of management and occupiers of the premises comprised in the said indentures respectively for the rents and profits of the said premises from the 20th day of October 1883 and that they might be decreed to pay to the plaintiffs what might be found due from them on taking such account of rents and profits as aforesaid:

A.D. 1890

And whereas the defendants by their statement of defence contended that the said grants were valid and that the trusts declared by the said recited indentures of the 4th day of September 1783 and the 1st day of January 1803 were in their character and in the mode in which they have been carried out valid and legal and pleaded the statutes of limitations and other defences to the claim of the plaintiffs and such action is still depending and involves questions of doubt and difficulty the decision whereof would involve considerable delay and expense:

And whereas the custom of holding public markets in Belfast for the sale of linens ceased many years ago owing to the altered methods of conducting the linen business and the said White Linen Hall has for many years past ceased to be used as a public market or hall for the sale of linens and has been used for private offices and warerooms for the sale of linens and for the accommodation of the Belfast Library and Society for Promoting Knowledge commonly called "The Linen Hall Library":

And whereas so far as can be ascertained the only other persons now having or claiming any beneficial interest in the said White Linen Hall are the representatives of the original subscribers to the building of the same and their employees in occupation and the said Belfast Library and Society for Promoting Knowledge (in this Act called "the proprietors") and the tenants of the said hall in occupation thereof by themselves or their sub-tenants (in this Act called "the occupiers") but the exact legal interest (if any) of such proprietors and occupiers respectively is uncertain and the legal proof of their title would be attended with very great difficulty and the representatives of many of the original subscribers are not now known:

And whereas the existing town hall and other municipal buildings in the city of Belfast are inadequate and the site of the said White Linen Hall and the land round the same affords a central and convenient site well adapted for the erection of a new city hall and municipal buildings and the Corporation accordingly proposed to

A.D. 1890. the plaintiffs in the said action and the other parties interested that as well for the general interests of the city of Belfast as for settling and disposing of the pending litigation they were willing to purchase the said site if the parties could determine amongst themselves in what proportions the said purchase money should be divided :

And whereas after negotiations with the committee of the proprietors and the occupiers and the said Countess of Shaftesbury as tenant for life under the said settlement of the 23rd day of July 1851 it was eventually arranged that subject to the approval of Parliament the premises should be vested in the Corporation on payment of a sum of £9,000 to the trustees of the said recited settlement of the 23rd day of July 1851 and of the sums of £13,000 and £6,500 to the trustees of the said recited indentures as compensation for the occupiers and proprietors respectively and that a further sum of £1,500 should be paid by the Corporation to the said Countess of Shaftesbury for the costs incurred by her in the said action and in discharge of her claim for arrears of rent and mesne profits from the 20th day of October 1883 and it is expedient that the said transfer should be carried out accordingly and provisions made for the distribution of the said purchase money in the manner in this Act provided :

And whereas the official solicitor to the Supreme Court of Judicature (Henry Leigh Pemberton Esquire) was under Standing Order 163a of the House of Lords appointed on the 28th day of April 1890 by writing under the hand of the Lord Chancellor guardian or protector of the infant Anthony Earl of Shaftesbury to represent the said infant before the Committee of the House of Lords to whom the Bill for this Act was referred :

And whereas plans showing the site of the said Linen Hall and the lands held therewith under the said recited indentures of the 4th day of September 1783 and 1st day of January 1803 and also books of reference containing the names of the persons being or claiming or reputed to be owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act so far as the same could be ascertained were duly deposited with the clerks of the peace for the city of Belfast and county of Antrim and are hereinafter respectively referred to as the deposited plans and books of reference :

And whereas twenty-three members (being an absolute majority of the whole number) of the council of the Corporation at a meeting held on the sixteenth day of November 1889 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Belfast Newsletter a newspaper published and circulating in the city of Belfast such notice being in addition to the

[53 & 54 VICT.] *Belfast Corporation (Various Powers)* [Ch. cv.]
Act, 1890.

ordinary notices required for summoning such meeting resolved to promote the Bill for this Act and that the expense in relation to promoting the Bill should be paid out of the general purposes fund: A.D. 1890.

And whereas such resolution was published twice in the said newspaper:

And whereas at a further special meeting held in pursuance of a similar notice on the 26th day of April 1890 being not less than fourteen days after the deposit of the Bill for this Act the propriety of the promotion of the said Bill was confirmed by twenty-three members of the said council being an absolute majority of the whole number:

And whereas the promotion of the Bill for this Act has been approved of by a special resolution of the persons qualified to vote at the election of the members of the council of the Corporation passed on the 25th day of January 1890 at a meeting of such persons summoned in the manner provided by the Borough Funds (Ireland) Act 1888:

And whereas the objects aforesaid cannot be accomplished 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:—

1. This Act may be cited as the Belfast Corporation (Various Powers) Act 1890. Short title.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

“The Corporation” means the mayor aldermen and citizens of the city of Belfast;

“The Linen Hall estate” means the White Linen Hall and the lands held therewith in the city of Belfast as delineated on the deposited plans and described in the deposited books of reference;

“The proprietors” means all persons possessing or entitled to any interest in the Linen Hall estate as representatives by assignment devolution or otherwise of those who originally subscribed the money for the building of the White Linen Hall and includes the Belfast Library and Society for Promoting Knowledge claiming to be owners by prescription of parts of the building of the White Linen Hall;

[Ch. cv.] *Belfast Corporation (Various Powers)* [53 & 54 Vict.]
Act, 1890.

A.D. 1890
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“The occupiers” means all persons (other than the Belfast Library and Society for Promoting Knowledge) now occupying by themselves or their tenants any portion of the Linen Hall estate including all such tenants ;

“The day of transfer” means the first day of November 1891 or such later day as shall be agreed on in writing between the Corporation and the Countess of Shaftesbury and the Linen Hall trustees not being later than the first day of January 1892 ;

“The Linen Hall trustees” means Samuel Graeme Fenton Robert Narcissus Batt Thomas Montgomery and James Thompson or other the trustees for the time being under the recited indentures of the 4th day of September 1783 and the 1st day of January 1803 ;

“The estate trustees” means the Right Honourable George Augustus Chichester May or other the trustee or trustees for the time being under the recited settlement of the 23rd day of July 1851.

Vesting of
Linen Hall
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3.—(1.) On the day of transfer the Corporation shall pay to the estate trustees whose receipt shall be a sufficient discharge for the same the sum of nine thousand pounds and thereupon the Linen Hall estate shall by virtue of this Act and without any conveyance vest in the Corporation for all the estate and interest therein of the said Right Honourable Harriet Anna Augusta Seymourina Countess of Shaftesbury and of her first and other sons in tail male and of all persons entitled in remainder under the limitations of the recited settlement of the 23rd day of July 1851 and of all persons claiming by through or under them and freed and discharged from the said mortgage to the trustees of the Presbyterian Church in Ireland.

(2.) On the day of transfer the Corporation shall pay the sums of thirteen thousand pounds and six thousand five hundred pounds to the Linen Hall trustees the receipt of any three of whom shall be a sufficient discharge to the Corporation for the same and thereupon the Linen Hall estate shall by virtue of this Act and without any conveyance vest in the Corporation for all the estate and interest comprised in or granted or purported to be granted and conveyed by the said recited indentures of the 4th day of September 1783 and the 1st day of January 1803 and for all the estate and interest of the proprietors and occupiers and of all persons claiming through or under them or any of them and freed and discharged from all trusts intents provisoes conditions limitations agreements in and by the said indentures or either of them declared expressed limited or contained and from all public or other rights of way or rights of

[53 & 54 VICT.] *Belfast Corporation (Various Powers)* [Ch. cv.]
Act, 1890.

user of the Linen Hall estate or any part thereof all which rights are hereby extinguished. A.D. 1890.

(3.) The Corporation shall within three months from the day of transfer produce to the Commissioners of Inland Revenue a Queen's Printer's copy of this Act stamped with the duty which would have been payable had the Linen Hall estate been conveyed by deed for the consideration in this section mentioned and such copy of the Act so stamped shall be sufficient evidence in all legal or other proceedings that the Linen Hall estate has vested in the Corporation under the provisions of this Act.

4. On the day of transfer the Corporation shall pay to the said Right Honourable Harriet Anna Augusta Seymourina Countess of Shaftesbury her executors administrators or assigns the sum of one thousand five hundred pounds in payment and discharge of all claims by her for arrears of rent and mesne profits of the Linen Hall estate from the 20th day of October 1883 and of the costs incurred by her in the said action (1888, No 10,289). Payment to the Countess of Shaftesbury for arrears of rent and costs.

5.—(1.) Edmund Murphy now of Custom House Square in the city of Belfast or in the event of his death or inability to act some other person to be appointed on the application of the Corporation by the Commissioners of Public Works in Ireland (in this section called "the Commissioners") shall be the arbitrator to perform the duties in this section mentioned. Provisions as to division of purchase money among proprietors and occupiers.

(2.) It shall be the duty of the arbitrator to ascertain and determine with all reasonable despatch in the manner in this section provided the persons entitled as occupiers and as proprietors and to apportion between such occupiers and proprietors respectively the respective sums of thirteen thousand pounds and six thousand five hundred pounds.

(3.) The arbitrator shall publish a notice once in the Dublin Gazette and once in each of three successive weeks in some one and the same daily newspaper published in Belfast requiring all persons claiming as occupiers to deliver to the arbitrator on or before a day to be named in such notice (and which day shall not be earlier than twenty-one days from the date of the insertion of the last of such newspaper notices) a short statement in writing of the nature of such claim.

(4.) The arbitrator shall with all reasonable despatch after the expiration of the period within which such claims are required to be delivered to him as aforesaid proceed to inquire into and adjudicate upon the claims of the occupiers and shall by his award fix and determine who are the occupiers and shall after providing for the costs expenses debts and liabilities hereinafter mentioned apportion

A.D. 1890. — between the occupiers as fixed by his award according to the value of their respective interests the said sum of thirteen thousand pounds and such award shall be final and conclusive and no person not named therein shall be entitled to share in the said sum of thirteen thousand pounds The Linen Hall trustees shall pay out of the said sum of thirteen thousand pounds to each and every person named in the said award the amount thereby apportioned to him.

(5.) For the purpose of ascertaining who are the proprietors the arbitrator shall publish a notice once in the Dublin Gazette and once in each of three successive weeks in some one and the same daily newspaper published in Belfast requiring all persons claiming as proprietors to deliver to the arbitrator on or before a day to be named in such notice (and which day shall not be earlier than six months from the date of the insertion of the last of such newspaper notices) a short statement in writing of the nature of such claim and such notice shall further state that under the provisions of this Act a sum of six thousand five hundred pounds is to be divided amongst the proprietors and such further or other particulars (if any) as the arbitrator shall think necessary or desirable in order to give full information to all persons interested.

(6.) The arbitrator shall with all reasonable despatch after the expiration of the period within which such claims of the proprietors are required to be delivered to him as aforesaid proceed to inquire into and adjudicate upon the claims of the proprietors and shall by his award fix and determine who are the proprietors and shall after providing for the costs expenses debts and liabilities hereinafter mentioned apportion between the proprietors as fixed by his award according to the value of their respective interests the said sum of six thousand five hundred pounds and such award shall be final and conclusive and no person not named therein shall be entitled to share in the said sum of six thousand five hundred pounds In fixing the amount to be payable to the Belfast Library and Society for Promoting Knowledge the arbitrator shall have regard to the probable continuance of their occupation but for the provisions of this Act and to any improvements tenants fixtures and other matters which he may deem reasonable The Linen Hall trustees shall pay out of the said sum to each and every person named in the said award the amount thereby apportioned to him Provided that any sum apportioned to the Belfast Library and Society for Promoting Knowledge shall be paid to the treasurer thereof for the time being.

(7.) The arbitrator shall by his awards or one of them provide for the payment of any debts and liabilities appearing from the accounts of the proprietors to be properly payable on their behalf up to the

date of the award and also for the costs and expenses of the Linen Hall trustees in the said action and of and incidental to any proceedings under this Act and the distribution of the purchase money by them in accordance with the awards and may provide for the payment thereof out of the said sums of thirteen thousand pounds and six thousand five hundred pounds or one of them in such manner and if out of both of the said funds in such proportions as he may deem reasonable. A.D. 1890.

(8.) If any occupier or proprietor is an infant or person of unsound mind or for any other reason is unable to give an effectual receipt for any money payable to him under any award of the arbitrator the Linen Hall trustees may pay such money to the guardian or committee as the case may be of such occupier or proprietor or if they think fit into the Chancery Division of the High Court under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the said trustees from all further liability with respect to the money so paid.

(9.) The claims of any occupiers or proprietors respectively not sent in to the arbitrator before the expiration of the respective periods within which such claims are required to be delivered to him as aforesaid shall be barred unless the arbitrator in his discretion think fit to inquire into and adjudicate upon such claims at any time before making his award. Provided that all claims of occupiers and proprietors respectively not sent in to the arbitrator before the making of the said awards respectively shall be absolutely barred and extinguished.

(10.) The interests of the proprietors and occupiers in the Linen Hall estate shall be deemed to be personal estate and to have been transmitted as such.

(11.) The arbitrator shall as to all proceedings under this section have full power jurisdiction and authority to require discovery from any party to summon any party before him to give evidence or to bring produce and give inspection of documents to administer or direct the administration of oaths and to take or direct the taking of affidavits and declarations and generally he may exercise all such powers jurisdictions and authorities as might be exercised by any division of Her Majesty's High Court if the matter coming before him had come before such court and a note under the hand of the arbitrator shall for the purposes of this Act have the force or effect of a subpoena or process issued by any division of the High Court and he shall also have in addition like powers to those conferred on any arbitrator appointed by the Commissioners under the Railways Act (Ireland) 1851 and the Acts amending or extending the same.

A.D. 1890.

(12.) The arbitrator may settle and determine the matters by this section referred to his arbitration not only in accordance with the legal rights of the parties but on such terms and in such manner in all respects as he in his absolute and unfettered discretion thinks most fair and equitable having regard to all the circumstances of the case.

(13.) If the arbitrator appointed under this section die or from any cause is unable or unwilling to act the Commissioners may appoint another arbitrator in his place and so on from time to time.

The remuneration of the arbitrator and all costs charges and expenses incurred by him or by the Commissioners in carrying the provisions of this Act into execution shall be paid by the Corporation and in manner provided by the 12th section of the Railways Act (Ireland) 1851.

General
saving
clause.

6. Saving to the Queen's most Excellent Majesty Her heirs and successors and to all and every person and their respective heirs successors executors and administrators (other than the persons by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand (if any) of in to or out of the Linen Hall estate as they every or any of them would have had or enjoyed or been entitled to if this Act had not been passed.

Exceptions
from saving
clause.

7. The following persons and all persons claiming under them any estate or interest in the said Linen Hall estate are excepted out of the general saving contained in this Act and they accordingly are the only persons bound by this Act to wit:—

The Right Honourable Harriet Anna Augusta Seymourina
Countess of Shaftesbury;

The Right Honourable Anthony Earl of Shaftesbury and the
heirs of his body;

The Lady Margaret Emily Levett;

The Lady Evelyn Harriet McGarel Hogg;

The Lady Mildred Georgiana Ashley;

The Lady Susan Violet Ashley; and

The Lady Ethel Maud Ashley;

and the heirs of their respective bodies and all other children born or to be born of the said Countess of Shaftesbury and the heirs of their respective bodies and all persons entitled in remainder under the limitations of the recited settlement of the 23rd day of July 1851 and all persons claiming by through or under them;

The estate trustees;

The trustees of the Presbyterian Church in Ireland;

The proprietors;

The occupiers;

[53 & 54 VICT.] *Belfast Corporation (Various Powers)* [Ch. cv.]
Act, 1890.

The Linen Hall trustees and all other persons whomsoever claiming by through or under the recited indentures of the 4th day of September 1783 and the 1st day of January 1803. A.D. 1890.

8. The council may build and maintain on the Linen Hall estate a city hall or council house with or without any other building which they may deem necessary or proper for any purposes of the city and may provide all necessary furniture conveniences and appliances for the same and until such city hall or council house shall be erected may lay out and maintain the land as an open space garden or walks and may enclose the same with rails or otherwise and permit the same to be used by the public within such hours and subject to such restrictions as they may from time to time resolve :

Erection of
city hall
and other
buildings.

Provided that the council shall not commence to build any such city hall or council house except in pursuance of a resolution passed and confirmed as hereinafter provided :

The resolution shall be passed at one meeting of the council and confirmed at a subsequent meeting held not sooner than four weeks after the next ensuing annual election of members of the council Notice of the subsequent meeting and of the intention to confirm the resolution shall be advertised once at least in each of the four weeks immediately preceding the said meeting in a newspaper published in the city :

The summons sent to each member of the council for each of the said meetings shall contain notice of the proposed resolution.

9.—(1.) The Corporation may from time to time raise for the purposes of this Act or any of them any sums not exceeding one hundred and eighty thousand pounds by the creation and issue of Belfast Corporation stock in the manner provided by the Belfast Corporation Act 1889 Provided that all moneys raised under this Act shall be applied to purposes to which capital is properly applicable and not otherwise.

Power to
raise money.

(2.) The amount of the annual sums payable to the loans fund established under the said Act towards the redemption and extinction of stock created and issued by the Corporation under this Act shall be such as with accumulations at the rate of three pounds ten shillings per centum per annum will suffice to redeem at par such stock within sixty years from the time or respective times of the creation of such stock.

(3.) The sums payable to the said loans fund in each year for the payment of dividends on and towards redemption and extinction of the stock created and issued under this Act shall be payable out of the general purposes rate.

[Ch. cv.] *Belfast Corporation (Various Powers)* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

For protec-
tion of Bel-
fast City and
District
Water Com-
missioners.

10. Whereas a main pipe belonging to the Belfast City and District Water Commissioners now extends from Donegall Place through the Linen Hall estate by which water is supplied to an extensive district south of the said estate And in the event of buildings being erected over the site of such pipe it may be necessary to lift the same and to provide and lay a new pipe in lieu thereof by another route Therefore the following provisions shall have effect unless otherwise agreed between the Corporation and the said Commissioners :—

(a.) Before commencing to erect any building over any part of the said pipe the Corporation shall give at least fourteen days notice in writing to the said Commissioners of their intention so to do and the said Commissioners shall thereupon remove the said pipe or such part thereof as may be interfered with by such building and the Corporation shall pay to the Commissioners the reasonable expenses of and incident to such removal and the cost of procuring and laying such new pipe of the same dimensions as the pipe or portion of pipe to be removed as may be necessary :

(b.) The sum to be paid by the Corporation to the Commissioners under this section shall be ascertained by the respective engineers for the Corporation and the Commissioners and in the event of disagreement by the engineers then the amount shall be settled by arbitration according to the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Providing
for estimate
for expenses
of Act.

11. In estimating every year under the provisions of their local Acts the amount required for the several purposes to which the general purposes rate is applicable the Corporation or the committee of the Corporation as the case may be shall include as nearly as may be the amount which will be required for the purposes of this Act And the amount required for payment to the loans fund established under the Belfast Corporation Act 1889 in respect of the Belfast Corporation stock created and issued under this Act shall be placed in the estimate next after the amount estimated as required for interest and sinking fund in respect of money borrowed under the Belfast Corporation (Lagan Bridge) Act 1887 and the Belfast Main Drainage Act 1887 and the money arising from the general purposes rate shall be applied accordingly Provided that (except as herein expressly directed) nothing herein contained shall alter or affect the application of the money arising from the said rate as required by the said Acts.

[53 & 54 VICT.] *Belfast Corporation (Various Powers)* [Ch. cv.]
Act, 1890.

12. Whereas in pursuance of section 47 of the Belfast Improvement Act 1884 the Corporation paid a sum of four thousand pounds as therein directed for purposes connected with their cemetery out of moneys borrowed under the authority of that Act and charged on the general purposes rate and it is expedient that provision should be made for the repayment of the said sum out of the funds properly applicable to cemetery purposes Therefore the Corporation shall pay from their burial fund to the general purposes fund the sum of four thousand pounds in repayment of the said sum of four thousand pounds so paid out of moneys borrowed on the security of the general purposes rate.

A.D. 1890.
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Repayment
from burial
fund of
£4,000 paid
under sec. 47
of Belfast
Improve-
ment Act
1884.

13. Whereas in pursuance of the Electric Lighting Acts 1882 and 1888 the Board of Trade have made a provisional order authorising the Corporation to supply electric light and energy within the city of Belfast And whereas under the Belfast Corporation Gas Act 1874 the Corporation have acquired and provided gasworks and under that Act the Corporation were bound to make certain annual payments by way of a sinking fund for the redemption of moneys raised for the purposes of that Act and the Corporation have in fact paid off and applied in the redemption of such moneys a sum exceeding seventy thousand pounds in advance of the requirements of the said Act and it is provided in the said Act (section 59) that the surplus profits of the Corporation from the manufacture of gas may be applied by the Corporation to public purposes And whereas it is expedient that instead of borrowing further moneys for the purpose of establishing the electric lighting undertaking authorised by the said provisional order the Corporation should be empowered to apply to the purposes of that undertaking a sufficient amount not exceeding altogether fifty thousand pounds out of the surplus profits referred to in the said section Therefore the Corporation may from time to time apply for the purpose of the undertaking authorised by the said provisional order such moneys as they may from time to time find expedient out of the surplus profits referred to in the said section 59.

Provision as
to electric
lighting.

14. The costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of any of their funds but shall be recouped by and charged to the moneys to be raised by the Corporation under the powers of this Act.

Costs of
Act.

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