



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxvii.

An Act for amending several Acts relating to
Londonderry Bridge. [28th July 1843.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge over the River Lough Foyle at the City of Londonderry and the Suburbs thereof, and for certain Regulations relative to said City,* whereby the Mayor, Commonalty, and Citizens of *Londonderry* were appointed Commissioners for carrying the said Act into execution: And whereas another Act was passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty, intituled *An Act for amending an Act passed in the Thirtieth Year of His Majesty's Reign, intituled 'An Act for building a Bridge over the River Lough Foyle at the City of Londonderry and the Suburbs thereof, and for certain Regulations relative to said City:'* And whereas another Act was passed in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *An Act for rebuilding or repairing the Bridge across the River Foyle or Lough Foyle at Londonderry; for enabling the Corporation of that City to raise Money for that Purpose; to authorize the Advance of a certain Sum of Money out of the Consolidated Fund of Ireland; and for regulating the Fairs and Markets and improving the Race-course there:* And whereas the Sum

[Local.] 23 B of

2 & 3 W. 4.
c. 107.

5 & 6 W. 4.
c. 74.

1 & 2 Vict.
c. 32.

of Fifteen thousand Pounds late *Irish* Currency was, under the Provisions of the said last-recited Act, advanced and paid by the Commissioners for executing the Office of Lord High Treasurer of *Ireland*, out of the Consolidated Fund of *Ireland*, to the Chamberlain of the said Corporation, to be repaid by equal Instalments, without Interest, in Twenty Years, to be applied in and towards the Expence of rebuilding and repairing the said Bridge: And whereas another Act was passed in the Parliament held in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to make more effectual Provisions for lighting, cleansing, and watching the City of Londonderry, and to amend several Acts relating to the said City*, whereby it was enacted, that the Chamberlain of the said City should, on the First Day of *January* in each and every succeeding Year, pay to the Collector of Excise of the District within which the said City is situate (to be by such Collector applied in like Manner as other Public Money in his Hands) a Sum of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, until the whole of a Sum of Sixteen thousand Three hundred and thirty-eight Pounds Nine Shillings and Four-pence (being the said Sum of Fifteen thousand Pounds late *Irish* Currency, equal to Thirteen thousand eight hundred and forty-six Pounds Three Shillings and One Penny *British* Currency, together with Two thousand four hundred and ninety-two Pounds Six Shillings and Two-pence Interest on the Instalments then due,) should be discharged and paid off: And whereas another Act was passed in the Fifth and Sixth Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to amend several Acts relating to the Bridge and to the City and Port of Londonderry*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth regarding Londonderry Bridge, and to amend several Acts relating to the City and Port of Londonderry*: And whereas by virtue of the said Two last-recited Acts certain Trustees were elected for carrying into execution the Purposes of the several Acts in relation to the said Bridge, and the said Bridge over the *Foyle*, and all the Materials thereof, and the Tolls, Toll Houses, and other Works and Buildings connected therewith or appertaining thereto, together with the Right of Ferry and all Interest therein of the Mayor, Commonalty, and Citizens of *Londonderry* across the said River, were absolutely vested in the said Trustees, with all such and thelike Powers, Rights, and Privileges, and subject to such and the like Liabilities, as the said Mayor, Commonalty, and Citizens were possessed of, had, and enjoyed, and were subject to in relation to certain Tonnage Dues, and to the Bridge and Ferry, and particularly to the said annual Payment of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, until the said Principal Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence shall have been discharged and paid off: And whereas a Sum of Six thousand five hundred and thirty-five Pounds Seven Shillings and Four-pence is now due and owing on account of the said Debt of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence: And whereas

the said Trustees have agreed, in consideration of the Remission by the Commissioners of Her Majesty's Treasury of the Payment of the said Sum of Six thousand five hundred and thirty-five Pounds Seven Shillings and Four-pence, being the Balance now remaining due and unpaid on account of the said Debt, that all Persons, Horses, and Royal Mail Carriages provided by Her Majesty's Postmaster General or by the Person contracting with the said Postmaster General to provide the same, and employed in conveying Her Majesty's Mails or Expresses, and that all Officers, Soldiers, Carriages, Stores, and Effects belonging to the Ordnance and other Military Departments of Government, shall be exempted from Toll on the said Bridge or Ferry as herein-after provided: And whereas it would be beneficial and expedient that the said Agreement should be carried into effect, and that the said Acts should, with reference to the several Matters aforesaid, be amended and altered, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts shall (except so far as the same have been heretofore or are hereby expressly repealed, altered, or varied) extend to this Act as fully and effectually to all Intents and Purposes as if the same had been repeated and re-enacted in the Body of this Act, and had formed Part thereof.

Extending Provisions of recited Acts to this Act.

II. And be it enacted, That so much of the said recited Act passed in the Parliament held in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth as enacts that the said Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence should be repaid by equal annual Instalments of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, and that the Chamberlain of the said City should, on the First Day of *January* in each Year, pay to the Collector of Excise of the District within which the said City is situated a Sum of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, until the whole of the said Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence should be discharged and paid off, shall be and the same is hereby repealed, without Prejudice nevertheless to any Payment heretofore made under the said Act.

Repeal of Provisions directing the Sum of 816*l.* 18*s.* 5*d.* to be annually paid to the Crown.

III. And be it enacted, That the said Trustees shall be and they are hereby for ever hereafter absolutely freed, released, exonerated, and discharged from all Claim, Liability, or Demand in respect of the said Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence, or of the said annual Sum of Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, or any Instalment due in respect thereof, or of any Part thereof respectively, or any Interest now or hereafter to become due thereon, any thing in the said recited Acts or either of them to the contrary

Trustees of Bridge released from such Payment.

contrary thereof in anywise notwithstanding; and that the said Bridge and Ferry shall be and are hereby for ever hereafter released, exonerated, and discharged from the said Sums of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence, and Eight hundred and sixteen Pounds Eighteen Shillings and Five-pence, and all Interest thereon, and that the same and every Part thereof shall cease from henceforth to be a Charge upon or payable out of the said Bridge or Ferry, or the Rents, Profits, or Issues therefrom.

Repeal of Provision that Order of Sequestration should remain in force.

IV. And be it enacted, That so much of the said recited Act passed in the Parliament held in the Second and Third Years of the Reign of King *William* the Fourth as enacts that the Order which had been then already obtained for the Sequestration of the Tolls allowed to be taken by the said Corporation on the said Bridge, or any Ferry to be used in lieu thereof, for the Payment of the Instalments theretofore due should be made absolute, and should remain and continue in full Force as a Security for the Repayment of the said Sum of Sixteen thousand three hundred and thirty-eight Pounds Nine Shillings and Four-pence, in such Instalments as in the said Act passed in the Parliament held in the Second and Third Years of the Reign of His said Majesty specified, or such Part thereof as should remain due and unpaid at the Time of any Failure of Payment of any Instalment of the said Sum, without any further Application to the Court of Chancery in *Ireland*, and that such Order might upon the Failure of Payment of any Instalment be forthwith acted upon and used and put in full Force and applied for the Purpose of obtaining Payment of the whole of the Sum then due and unpaid of the Instalment in respect of which Default should have been made, and also of the next accruing Instalment which should upon such Default be deemed and taken to be immediately due and payable and be recoverable under such Sequestration in advance, and that all remaining Instalments should also be advanced in order of Payment, so that the Instalments next succeeding the Instalment so advanced in order of Payment should stand in lieu of such Instalment, and the remaining Instalments should become due annually in regular Succession, and the Tolls of the said Bridge, and of any Ferry used in lieu thereof, should remain and continue subject to such Sequestration, and in default of the due Payment of any of the said Instalments be applied under the said Order to the Liquidation of the said Debt until the whole Debt should be paid and satisfied, without any further Order or Application to the said Court, shall be and the same is hereby repealed.

Order of Sequestration to be discharged.

V. And be it enacted, That from and after the passing of this Act it shall be lawful for the Trustees to apply in a summary Way, by Petition or Affidavit, to the Court of Chancery in *Ireland* for an Order to discharge the Order for the Sequestration of the Tolls of the said Bridge, or any Ferry to be used in lieu thereof, and the Lord High Chancellor or Commissioners for the Custody of the Great Seal in *Ireland* are hereby authorized and required to discharge the same accordingly.

VI. And

VI. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-three no Pontage Toll or Duty shall be demanded or taken by virtue of the said Acts or any of them in respect of the Use of or Passage over the said Bridge, or any Bridge which shall be hereafter built in lieu thereof, or any Ferry which may be used in lieu of such Bridge, or of any Bridge to be hereafter built, for any Mail Carriage provided by Her Majesty's Postmaster General, or by any Person contracting with the said Postmaster General to provide the same, or for any Horse or Beast drawing the same, or for any Horse or Beast not drawing and employed in carrying, or any Person employed in conveying Mails or Expresses under the Authority of Her Majesty's Postmaster General, either when employed in carrying, conveying, fetching, or guarding such Mails or Expresses, or returning back from carrying, conveying, or guarding the same; or for any Officers or Soldiers, or the Horse or Horses of any Officers or Soldiers, on their March or on Duty; or for any Horse or Horses or other Beast, or any Person, or Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty, having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Person, or Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying, fetching, or guarding any Ordnance or Barrack or Commissariat or other Provisions, Goods, or public Stores of or belonging to Her Majesty, or for the exclusive Use of Her Majesty's Forces, or returning empty from having been so employed; or for any Officer or Soldier quartered in the said City of *Londonderry*, or in the *Ebrington* Barracks on the Right Bank of the said River; or for any Officer, Soldier, or other Person belonging to any of the Ordnance, Military Corps, or of or belonging to any Civil or Military Service of Her Majesty in the Departments of Her Majesty's Ordnance or Commissariat, or employed in the Ordnance Survey, or for any Horse, Beast, Cart, Carriage, Baggage, Stores, Goods, or Chattels whatsoever belonging to any such Officer, Soldier, or other Person, or for any Horse, Carriage, Waggon, or Vehicle of any Description, Arms, Ammunition, Baggage, or other public Stores belonging to or for the exclusive Use of Her Majesty's Ordnance or Commissariat, or for any Person conducting the same respectively; or for any Carriage conveying Volunteer Infantry, or for any Horse ridden by any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Member of such Corps shall be dressed in the Uniform of his Corps at the Time of claiming the Exemption: Provided always, that nothing herein Proviso. contained shall exempt from Toll any Common Stage Coach by which Mail Bags are now or may hereafter be conveyed over the said Bridge or Ferry.

Not to affect
Agreement
with Board
of Ordnance.

VII. Provided also, and be it enacted, That nothing in this Act contained shall affect or invalidate any Contract or Agreement for the Exemption from Toll on the said Bridge or Ferry of any Carriage, Horse, Officer, Soldier, or Person now subsisting between Her Majesty's Board of Ordnance and the said Corporation or Trustees, but that the same shall remain in full Force and Effect until the said Thirty-first Day of *December* One thousand eight hundred and forty-three.

Penalty not
exceeding 5*l.*
on fraudu-
lently taking
Benefit of
Exemption.

VIII. And be it enacted, That if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any such Exemption, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds, to be payable to the Treasurer of the Trustees of the said Bridge, and to be recovered in a summary Way before any Two or more Magistrates acting within their Jurisdiction, on Proof being made on Oath after One Summons to the Party offending, and shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Magistrates, unless such Penalty be paid forthwith; and in case it shall appear to such Magistrates, by the Admission of the Offender or otherwise, that no sufficient Distress can or may be had to insure the said Penalty, the Person or Persons who shall have incurred the same shall, by Warrant under the Hand and Seal of any such Magistrates, be forthwith committed to the Common Gaol of the City and County of *Londonderry*, there to be kept for any Time not exceeding Two Months, at the Discretion of such Magistrates; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Expences of
Act.

IX. And be it enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid, discharged, and defrayed by the Trustees out of the first Monies to be received by them by virtue of the said recited Acts, or either of them, from the Tolls of the said Bridge or otherwise.

Interpreta-
tion of Act.

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

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular:

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" shall mean the Trustees of the *Londonderry Bridge*.

Saving of
Rights.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, or alter or take away, any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish Society*, the Governor and Assistants, *London*, of the New Plantation of *Ulster*, within the
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Realm

Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown.

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

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