



CHAPTER cl.

An Act to authorise the urban district council of Thurles in the county of Tipperary to construct waterworks for the supply of the district and for other purposes. A.D. 1904.

[1st August 1904.]

WHEREAS the district of Thurles in the county of Tipperary is an urban district within the meaning of the Local Government (Ireland) Act 1898 and is under the management and control of the Thurles Urban District Council (in this Act called "the Council") and the Council are the urban sanitary authority for the district within the meaning of the Public Health (Ireland) Act 1878 :

And whereas the existing water supply to the urban district has proved to be insufficient for the inhabitants and it is expedient that the Council be empowered to construct the waterworks in this Act described or referred to :

And whereas it is expedient that the Council should be empowered to take easements in and over lands within the collecting area defined upon the deposited plans of the River Glashahulla and its tributaries and streams the waters of which said river and its tributaries and streams are impounded by the waterworks of the Council and to exercise the powers in this Act contained for the prevention of the pollution of any waters which the Council are authorised to take or impound and otherwise for the prevention of nuisances and protection of the waterworks of the Council :

And whereas the population of the district is estimated to be over five thousand and the erection of new houses and buildings is taking place :

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And whereas the gross rateable value of the district is upwards of six thousand seven hundred and ninety-three pounds :

And whereas it is expedient to authorise the Council to borrow such sums as may be required for the purposes of this Act :

And whereas estimates have been prepared by the Council for the purchase of lands and for the execution of the works authorised by this Act and such estimates are as follows :—

	£	s.	d.
For the reservoir new road and aqueducts or lines of pipes	9,149	11	0
For the cost of distributing mains in the district of the Council	1,049	0	0

And whereas the works included in such estimates are permanent works within the meaning of section 238 of the Public Health (Ireland) Act 1878 and it is expedient that the Council should be authorised to borrow money for those purposes :

And whereas plans of the reservoir and other works authorised by this Act and of the lands which the Council may acquire under this Act and sections of the said works such plans also defining the limits of the collecting area within which easements are required by the Council and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken compulsorily for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Tipperary which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of the Council at a meeting held on the twenty-second day of October one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Nationalist* a newspaper circulated in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Council should promote the Bill for this Act and that the expense of and in connection with such promotion should be defrayed out of the funds rates rents and revenues of the district under the control of the Council :

And whereas such resolution was twice published in the said *Nationalist* viz. on the twenty-eighth and thirty-first days of

October one thousand nine hundred and three and has received the approval of the Local Government Board for Ireland: A.D. 1904.

And whereas the propriety of the promotion of the Bill for this Act was by an absolute majority of the whole number of the Council approved at a further special meeting held in pursuance of a similar notice on the twenty-second day of February one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas a majority of the persons qualified to vote at an election of members of the Council approved on the taking of a poll in the manner provided by the said Borough Funds (Ireland) Act 1888 of the promotion of the Bill for this Act:

And whereas the 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 King'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 as the Thurles Urban District Council Water Act 1904. Short title.

2. The limits for the supply of water by the Council (in this Act called "the water limits") shall be the whole of the urban district of Thurles in the county of Tipperary. Water limits.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Incorporation of general Acts.

The Lands Clauses Acts as amended by section 8 of the Public Health (Ireland) Act 1896 (except section 127 of the Lands Clauses Consolidation Act 1845):

The Waterworks Clauses Act 1847 (except sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44:

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The Waterworks Clauses Act 1863 :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised.

Interpreta-
tion.

4. The several words and expressions to which by Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the company” means the Council ;

“The railway” means the reservoir aqueducts and other works by this Act authorised to be constructed ;

“Centre of the railway” means with respect to the reservoir by this Act authorised to be constructed the boundaries of that reservoir :

And in this Act unless the context otherwise requires—

“The district” means the urban district of Thurles ;

“The Council” means the Council of the urban district of Thurles ;

“The Local Government Board” means the Local Government Board for Ireland ;

“The clerk” and “the surveyor” mean respectively the clerk and the surveyor to the Council and respectively include any person duly authorised to discharge temporarily the duties of those offices ;

“The district fund” and “the district rate” mean respectively the district fund and the rate raised by the Council under the powers given by the Towns Improvement (Ireland) Act 1854 as extended by this or any other Act ;

“The drainage or collecting area” means the area defined by the limits shown on the deposited plans.

Words and expressions to which meanings are assigned by the Public Health (Ireland) Act 1878 have in this Act the same respective meanings.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the reservoir road and other works hereinafter described (that is to say) :—

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Power to
make water-
works.

- (1) A reservoir with filter beds in connection therewith situate partly in the parish of Templebeg and Knockalough Commons and partly in the parish of Moyaliff and townland of Shanballyduff It will be formed by an embankment starting from a point on the Glashahulla River distant one thousand and thirty-three yards or thereabouts measured in a straight line from the centre of the bridge over the said river on the road leading from Drumbane to Upperchurch shown on Ordnance sheet 46 of the county of Tipperary drawn to a scale of six inches to a statute mile (edition 1843) from which point of commencement the embankment will extend for a distance of fifty yards in a north-westerly direction and fifty yards in a south-easterly direction and from thence for a distance of seventy yards or thereabouts in a south-westerly direction the land to be acquired for the said reservoir and filter beds being in the occupation of Patrick Quinn and is estimated to contain six acres two roods twenty-seven perches :
- (2) A new road or right of way from the said bridge crossing the Glashahulla River on the said public road leading from Upperchurch to Drumbane on the lands in the occupation of James Long Matthew Landers and Catherine Perkins wholly situate in the parish of Templebeg and townland of Atshanboelanders measured in a straight line in an easterly direction from the centre of the said public road at the said bridge and terminating at the reservoir and filter beds (1) before described :
- (3) An aqueduct conduit or line of pipes leading from the reservoir and filter beds (1) before described and proceeding through the townland of Atshanboelanders and crossing the public road leading from Upperchurch to Drumbane at a point near the bridge over the Glashahulla River thence under or through the Owenbeg River through the townlands of Rossoulty and Roskeen and

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thence along the public road known as the Anglesey Line from Rossmult to the cross roads of Ballycahill and through the following townlands—Rossmult Birch Hill Drumminagleigh Moneydass Castlefogarty Ballycahill and Garrynamona and thence in a straight line through the townland of Garrynamona and the lands in the occupation of John Maher Denis Finn William Cullagh and Patrick Butler and through the townland of Ballinahow and lands in the possession of Timothy Morrissey and thence by the public road leading from Ballycahill cross roads to Thurles through the townland of Ballinahow to a point on the said public road at Richard Moloney's Gate at Ballinahow thence through the townland of Ballinahow through the lands in the occupation of Richard Moloney Ellen Brennan and John Delahunty crossing the Soolvane River into the townland of Killinane through the lands in the occupation of Matthew Maher John Maher Philip Cahill Thomas Forgarty and Johanna Maher and striking the public road again at the gateway of Johanna Maher on the said public road and thence by the said public road which forms the boundary between the townlands of the racecourse and Toor and Bawntameena and thence by the said public road into the urban district of Thurles at the workhouse and through the town of Thurles and the several townlands comprised within the said urban district of Thurles namely Brittas Road Gortataggart Bowling Green Monacocka Thurles Townparks Lognafulla The Pike Glebe Moonakeba Strada-voher Garryvicleheen.

Subsidiary
works.

6. In addition to the waterworks in this Act described the Council may subject to the provisions of this Act make and maintain within the limits of deviation shown on the deposited plans all such channels adits catchwaters drains filter beds roads approaches telegraphic and telephonic apparatus appliances and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining repairing cleansing managing working or using the same or required for the purposes of the water undertaking of the Council. Provided that such telegraphic or telephonic apparatus shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

7. Subject to the provisions of this Act the Council may on the site of any of the intended works in a rural district stop up and discontinue for public use any footpath or cart or carriage road and upon the stopping up and discontinuance of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Council so far as they are the owners of the adjoining lands on both sides freed from all public and other rights over or affecting the same. Provided that the Council shall not stop up or discontinue any footpath or cart or carriage road until they shall have completed and opened to the public a footpath or cart or carriage road to be substituted in lieu thereof and shall have obtained and deposited with the clerk of the peace for the county of Tipperary the certificate of two justices granted upon the report of the county surveyor that such substituted footpath or cart or carriage road is suitable and has been duly completed. Provided further that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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Stopping up
of footpaths
or roads.

8. In constructing the works by this Act authorised the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any roads no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards. Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment the Council shall not construct such embankment of a greater maximum height above the general surface of the ground than three feet above the maximum height thereof shown on the deposited sections and that no part of the aqueducts by this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

Power to
deviate.

9. Subject to the provisions of this Act the Council may for the purpose of their waterworks take collect use and appropriate all such streams springs and waters as can be taken or collected by any of the works authorised by this Act or by means of any easements to be acquired within the drainage or collecting area which

Power to
take waters.

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Powers for repairs of aqueducts and temporary discharge of water into streams.

10. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct, conduit or line of pipes by this Act authorised the Council may cause the water in any such aqueduct, conduit or line of pipes to be temporarily discharged into any available stream or watercourse.

In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in manner provided by the Common Law Procedure Amendment (Ireland) Act 1853 as amended by any subsequent enactment.

Council may take proceedings for prevention of obstructions in water-courses.

11. The Council may either in their own name or in the name of any person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing the obstruction of any watercourse or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water.

Power to acquire lands.

12. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands delineated on the deposited plans within the limits of deviation and described in the deposited book of reference for the purposes of the works described in the section of this Act whereof the marginal note is "Power to make waterworks."

Power to acquire easements only for aqueducts.

13.—(1) The Council may in lieu of acquiring any lands for the purpose of the aqueducts, conduits or lines of pipes authorised by this Act acquire such easements and rights in and over the lands as they may require for the purpose of making, maintaining, cleansing, repairing, renewing and enlarging the aqueducts, conduits or lines of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) Provided that as regards any lands taken or used by the Council for the purpose of such aqueducts, conduits or lines of pipes

where they are respectively laid underground the Council shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council. Provided also that (except as to land forming part of a street) nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

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14. The powers of the Council for the compulsory purchase of lands and easements under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

15. The Council on selling leasing or disposing of any lands acquired for or in connection with their water undertaking and not required for the purpose thereof may reserve to themselves any rights easements or privileges in over or affecting such lands and may make the sale lease or disposition subject to such reservations accordingly and may also make any such sale lease or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use or protection of water exercise of noxious or other trades or occupations or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights &c. on sale.

16. The Council in addition to any lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of their water undertaking any lands and any easements or rights (except rights of water in which persons other than the grantors have an interest) over or in respect of lands which the Council may deem necessary for those purposes. Provided that the Council shall not under the powers of this section hold at any time more than ten acres of land and that they shall not create or permit the creation or continuance of any nuisance on any such lands.

Power to purchase additional lands by agreement.

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Restriction
on taking
houses of
labouring
class.

17. The Council shall not under the powers of this Act purchase or acquire in any urban district and elsewhere than in any urban district in any district electoral division ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to
sell lands.

18. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Council may sell lease and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof.

Persons
under dis-
ability may
grant ease-
ments &c.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall

extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1904.

20. Whereas in the construction of the reservoir new road aqueducts and works connected therewith by this Act authorised it may happen that portions only of certain lands buildings and property shown on the deposited plans will be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands buildings or manufactories described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Council the portions only of the properties so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

Owners may be required to sell parts only of certain lands and buildings.

21. For the protection of the Great Southern and Western Railway Company (in this section referred to as "the company") the following provisions shall apply:—

For protection of Great Southern and Western Railway Company.

- (1) The aqueduct conduit or line of pipes No. 3 by this Act authorised (hereinafter called "Pipe No. 3") so far as the same shall be laid in or over the bridge of the company which carries the public road in the townland of Thurles Town Parks and parish of Thurles leading from Ballycahill cross roads to Thurles over the railway of the company and for twenty feet on each side thereof shall be laid so that the bottom of the Pipe No. 3 shall not be let in or sunk into the arch sheeting of said bridge to a greater depth than seven inches measured from the highest point of the top surface of the said arch sheeting and all such sinking into the said arch sheeting as hereinbefore provided shall be made at a distance of at least five feet from the inside of either parapet wall of said bridge and furthermore the said Pipe No. 3 where let in or sunk

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into the arch sheeting of bridge as above described shall be carefully bedded in and grouted over with cement mortar :

- (2) Before commencing any work in connection with laying the said Pipe No. 3 in or over the said bridge or the embanked road approaches to same or for repairing or relaying the same the Council shall by writing under the hand of their clerk give seven clear days' notice to the engineer of the company of their intention to commence such work or to repair or relay the same and any work which the Council may execute in connection with the laying of Pipe No. 3 in or over the said bridge and the embanked road approaches thereto and the repair and maintenance of the same shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the company Provided that in case the Pipe No. 3 shall suddenly burst or receive other damage of such a nature as would result until such time as repairs had been effected in cutting off or materially diminishing the supply of water to the town the Council shall be at liberty to cause such repairs and relaying to take place as may be necessary such work to be executed so as to cause as little injury as may be to the structure of the said bridge and so as to cause no interruption to the passage of traffic on the railway and the Council shall be answerable to the said company for any damage caused to the structure of the said bridge by the said work or for any other injury or damage whatsoever and further that the Council shall upon all and every occasion of such sudden bursting or other damage give to the company's stationmaster at Thurles the earliest possible intimation after the occurrence thereof :
- (3) All works and operations and all matters incidental to the laying of Pipe No. 3 in or over the said bridge shall be executed and done so as to cause as little injury as may be to the structure of such bridge and so as to cause no interruption to the passage of traffic on the railway of the company :
- (4) The company may if they so elect themselves lay the said Pipe No. 3 in or over the said bridge and may when

necessary relay the same and make all necessary repairs thereto and the expense of laying the said pipe over the said bridge and relaying or repairing the same shall be borne by the Council and in any event any cutting into the structure of the bridge which may be required shall be done by the employees of the company at the expense of the Council :

- (5) If any injury or interruption as aforesaid shall arise from or in any way be owing to the acts or operations of the Council or from the bursting or leakage of the Pipe No. 3 where carried over the said bridge or the embanked road approaches to same the Council shall bear the cost of making good all such injury and shall make compensation to the company in respect thereof and the amount of such compensation shall unless otherwise agreed upon be settled by arbitration in the manner hereinafter provided :
- (6) If the company at any time or times hereafter require of which they shall be the sole judges to alter repair or reconstruct the said bridge the company may on giving to the Council fourteen days' notice in writing under the hand of their engineer and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry Pipe No. 3 across the railway in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to compensation in respect of such diversion support carrying or dealing with such pipe :
- (7) Any dispute or difference which may arise between the company and the Council with reference to the provisions of this section shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the company and the Council or either of them.

22. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is given as shown on the deposited plans. Limit of pressure.

23.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier Supply by meter in certain cases.

A.D. 1904. for any trade or manufacturing purpose for which water is required or any hospital or large public institution.

(2) The Council shall not charge a higher rate than one shilling and sixpence per thousand gallons for any supply by meter under this section.

(3) Where the Council refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding one shilling and sixpence for every thousand gallons and the moneys payable to the Council under this section shall be recoverable in the same manner as rates due to the Council for water. Provided that the Council shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Entry on premises to cut off pipes after notice given.

24. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied for a space of seven days the Council their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Council after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Council repairing and making good all damage that may be done by reason of such removal.

Council not bound to supply several houses by one pipe.

25. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe and stopcock be laid from the main pipe to each house supplied by them with water.

Rate at which water is to be supplied for

26. The Council shall at the request of the owner or occupier of any house or part of a house in any street in which any supply main of the Council is from time to time laid or on the application

of any person who under the provisions of this Act is entitled to demand a sufficient supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at such rates rents and charges not exceeding the following (that is to say) :—

Where the rateable value of the house or part of a house supplied does not amount to five pounds per annum the sum of twopence per week ;

Where the rateable value of the house or part of a house amounts to five pounds or more at a rate per annum not exceeding ten per centum of such rateable value :

For the purposes of this section rateable value shall be the rateable value (excluding land) as ascertained by the valuation list in force at the commencement of the quarter in which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor Provided that the Council may supply water on special terms for purposes other than domestic purposes by agreement or by meter :

Provided also that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

27. In addition to the rates before specified the Council may demand for every bath an additional sum not exceeding ten shillings per annum and for every watercloset after the first (for which no charge may be made) an additional sum not exceeding five shillings per annum and such additional sums may be received with and as part of or recovered by the same means as the rates for the supply of water for domestic purposes Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Council may charge an increased rate in proportion to the size of such baths.

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domestic purposes.
Rates for waterclosets and baths.

28. The Council may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of this Act to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Agreements for supply of water outside district.

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Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Power to borrow.

29. The Council may independently of any moneys they have already borrowed or which they may be authorised to borrow under the provisions of any other Act borrow on interest on the security of the district fund or general district rate and for the following purposes the following sums (that is to say) :—

- (1) For the construction of the reservoir aqueducts mains and other works authorised by this Act and purchase of lands therefor the sum of nine thousand one hundred and forty-nine pounds eleven shillings ;
- (2) For the costs of the subsidiary mains and pipes within the district of the Council the sum of one thousand and forty-nine pounds ;
- (3) For the purpose of paying the costs of this Act as hereinafter provided the sums requisite for that purpose ;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act :

And in calculating the sum the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and reborrowing for the purposes of this Act shall not be restricted by any of the provisions of the Public Health (Ireland) Act 1878.

Period for repayment of borrowed moneys.

30. The Council shall out of the district fund and district rate and notwithstanding any limits placed by any Act upon the amount of such rate which limits are hereby removed for the purposes of this section pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as " the prescribed periods ") following (that is to say) :—

- (A) As to moneys borrowed for the purposes (1) and (2) mentioned in the section of this Act the marginal note whereof is " Power to borrow " within thirty-five years from the date or dates of borrowing the same :

(B) As to moneys borrowed for the purpose (3) mentioned in the said section within five years from the passing of this Act: A.D. 1904.

(c) As to moneys borrowed with the sanction of the Local Government Board within such period as that Board may prescribe:

Provided that no rate or assessment shall be levied for any of the purposes of this Act upon land used for agricultural purposes within the urban district. Provided further that "land used for agricultural purposes" means any land upon which a fair rent has been or could be fixed under the Land Law (Ireland) Acts 1881 to 1896.

31. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of a sinking fund the following provisions shall have effect (that is to say):— As to sinking fund.

The Council shall on or before the first day of November next following the borrowing of any moneys so to be repaid and thenceforward on or before the same day in every year appropriate and set apart out of the district fund and district rate such equal sums as will with the accumulations thereof by way of compound interest at the rate of three pounds per centum be sufficient to pay off the whole of the said borrowed moneys within the period of thirty-five years or such other period as may be prescribed in respect of any such moneys either by this Act or by the Local Government Board:

The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any other local authority in the United Kingdom (except the Council) other than annuities rentcharges or securities transferable by delivery:

A.D. 1904.

The Council may at any time apply the whole or part of such sinking fund in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided as follows (that is to say) :—

(A) That in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based ;

(B) That whenever and so long as the securities constituting any sinking fund shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Council may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto ;

(C) That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the district fund and district rate but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to
reborrow.

32. The Council may from time to time reborrow at interest on mortgage as aforesaid any money for the paying off of any such principal moneys as they can reborrow at a lower rate of interest Provided that the time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed and that for the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan :

Provided also that the Council shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases. A.D. 1904.

33. Nothing in this Act shall prejudicially affect any charge subsisting at the passing of this Act (by way of mortgage or otherwise) on any undertaking or fund of the Council or on any tolls rates or revenue receivable or leviable by them and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security. Priority of existing mortgages.

34. The mortgagees of the Council under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. For appointment of receiver.

35. The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Council not to regard trusts.

36. The clerk to the Council shall within twenty-one days after the expiration of each local financial year during which any sum is required to be set apart for a sinking fund or any instalment Annual return to Local Government Board with

A.D. 1904. is required to be paid under this Act transmit to the Local Govern-
ment Board a return in such form as may be prescribed by that
respect to Board and verified by statutory declaration if so required by them
sinking fund. showing the amount which has been paid as an instalment or
invested for the purpose of such sinking fund during the year
preceding the making of such return and the description of the
securities upon which the same has been invested and also showing
the purposes to which any portion of the moneys invested for the
sinking fund and the interest thereof have been applied during the
same period and the total amount remaining invested at the end
of the year and in the event of any default in making such
return the said clerk shall be liable to a penalty of not exceeding
forty shillings a day during the continuance of the default which
shall be paid to the Local Government Board and shall be recover-
able by that Board in the same manner as penalties are recoverable
under the Public Health (Ireland) Act 1878 in a summary manner
may be recovered by parties aggrieved within the meaning of that
Act If it appear to the Local Government Board by such return
or otherwise that the Council have failed to pay any instalment
or to set apart the sum required by this Act for the sinking fund
or have applied any portion of the moneys set apart for that
fund or any interest thereof to any purposes other than those
authorised by this Act the Local Government Board may by
order direct that a sum not exceeding double the amount in
respect of which such default shall have been made shall be set
apart by the Council and invested as part of the sinking fund
and such order shall be enforceable by writ of Mandamus to be
obtained by the Local Government Board from the High Court.

Protection
of lender
from inquiry.

37. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

Application
of money
borrowed.

38. Money borrowed by the Council under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Proceeds of
sale of sur-
plus lands to
be treated as
capital.

39. The proceeds of the sale of any surplus lands of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be

distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council and any moneys so discharged shall not be reborrowed. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. A.D. 1904.

40.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Board shall have all such powers as they have for purposes of inquiries directed by the Board under the Public Health (Ireland) Act 1878. Inquiries and expenses of Local Government Board.

(2) The Council shall pay to the Board any expenses incurred by the Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Board not exceeding three guineas a day for the services of such inspector.

41. — (1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication. Authentication and service of notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health (Ireland) Act 1878 are by section 267 of that Act authorised to be served.

42. All byelaws from time to time made by the Council under the provisions of this Act or of any enactment incorporated by this Act shall except where otherwise expressly provided by this Act be made under and subject to the provisions with respect to byelaws contained in sections 219 to 223 of the Public Health (Ireland) Act 1878. General provisions as to byelaws.

43.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision Byelaws for preventing pollution of water.

A.D. 1904. for the prevention of any act or thing tending to pollution of
the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the Council of every district comprising any part of the area within which it is proposed that they shall be in force. Provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in manner provided by the Common Law Procedure Amendment (Ireland) Act 1853 as amended by any subsequent enactment.

Recovery of penalties.

44. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance of this Act may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands under 50*l.*

45. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Costs of Act.

46. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped out of any moneys which the Council are authorised to borrow under the powers of section 29 (3) of this Act.

The SCHEDULE referred to in the foregoing Act. A.D. 1904.

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