



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxii.

An Act to enable the *Galway* Town Improvement Commissioners to construct Waterworks and obtain a Supply of Water for the Town of *Galway*, and for other Purposes.

[21st *July* 1863.]

WHEREAS an Act was passed in the 16th and 17th Years of the Reign of Her present Majesty, intituled *An Act for better paving, draining, cleansing, lighting, watching, supplying with Water, regulating in regard to Markets, and other Purposes, for making new Streets, and otherwise improving the Town of Galway*, whereby certain Commissioners were incorporated under the Name of "The *Galway* Town Improvement Commissioners," and the said Commissioners were empowered, amongst other Things, to acquire certain Lands and to construct Waterworks for supplying Water to the Inhabitants of the said Town: And whereas the Powers of the said Commissioners to purchase the said Lands and to construct the said Waterworks have expired, and it is expedient that they should be empowered to acquire other Lands and to make and maintain Waterworks for supplying the Inhabitants of the said Town with Water, and to levy Rates in respect of the future Supply of Water within the Limits

[*Local.*] 16 & 17 Vict. c. cc.

The Galway Commissioners Waterworks Act, 1863.

of this Act: And whereas Plans showing the Lands and other Property sought as aforesaid to be acquired, and also a Book of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the said Lands and other Property, were duly deposited with the Clerk of the Peace for the County of the Town of *Galway* in the Month of *November* 1862: And whereas the Commissioners have not borrowed for the Purposes of the said recited Act any Sum of Money, and it is expedient that they should have Power to raise a sufficient Sum of Money for the Construction of the said Waterworks: And whereas the Purposes 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; (that is to say,)

Interpreta-
tion of
Terms.

1. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

“Commissioners” shall mean the Commissioners under the *Galway Town Improvement Act, 1853*:

“Justice or Justices” shall mean Justice or Justices of the Peace for the County of the Town of *Galway*, and “Two Justices” shall mean Two or more Justices met and acting together:

“Owner” shall mean the Person for the Time being receiving or entitled to receive the Rent of the Lands and Premises in connexion with which the said Word is used, whether on his own Account or as a Mortgagee or Incumbrancer in possession, or as Agent or Trustee for any other Person:

“Quarter Sessions” shall mean the Quarter Sessions of the County of the Town of *Galway*.

8 & 9 Vict.
c. 18.,
10 & 11 Vict.
cc. 16. & 17.,
14 & 15 Vict.
c. 70.,
23 & 24 Vict.
c. 97., and
23 & 24 Vict.
c. 106. in-
corporated.

Definition
of certain
Terms.

2. “The Commissioners Clauses Act, 1847,” “The Lands Clauses Consolidation Act, 1845,” and “The Lands Clauses Consolidation Acts Amendment Act, 1860,” except such Portions thereof as are repealed or otherwise provided for by “The Railways Acts (*Ireland*), 1851 and 1860,” with respect to the Purchase and taking of Land otherwise than by Agreement, and “The Waterworks Clauses Act, 1847,” shall so far as the same are not expressly varied or excepted, or are not modified by or inconsistent with this Act, be incorporated with and form Part of this Act; and the Words “the Special Act,” or “this Act” therein used shall mean this Act, and the Words “Limits of the Special Act” shall mean the Limits of this Act; and in the said Waterworks Clauses Act, 1847, the Words “the Undertakers” shall mean the Commissioners under this Act.

3. Sections

The Galway Commissioners Waterworks Act, 1863.

- 3.** Sections 72, 73, 74, 75, 76, and 77 of an Act passed in the 16th and 17th Years of the Reign of Her present Majesty, intituled "The Galway Town Improvement Act, 1853," shall be and they are hereby repealed. Certain Sections of 16 & 17 Vict. c. cc. repealed.
- 4.** The Commissioners for the Time being acting in the Execution of this Act shall have Power to sue and be sued through their Clerk, and to purchase and hold Lands subject to the Provisions herein contained. Power to sue and be sued in Name of their Clerk.
- 5.** In citing this Act in other Acts of Parliament and in legal or other Proceedings or Instruments it shall be sufficient to use the Expression "The Galway Commissioners Waterworks Act, 1863." Short Title.
- 6.** This Act shall apply to and be in force within and throughout the entire Area comprised within a Circle of Two Miles from the Church of *Saint Nicholas* in the said Town of *Galway*. Limits of the Act.
- 7.** It shall be lawful for the Commissioners, subject to the Powers, Provisions, and Restrictions in this Act and in the Acts and Parts of Acts incorporated herewith, to take Water from the River *Corrib*, and to make, construct, and maintain the said Waterworks and all necessary and proper Conveniences connected therewith in the Lines, on the Levels, and upon the Lands respectively delineated on the said Plans and Sections of the said Works, and described in the said Book of Reference, and to enter upon and take and use such of the Lands, Streams, and Waters delineated on and mentioned in the said Plans and Book of Reference respectively as shall be necessary for the Purposes aforesaid, and to purchase or take on Lease any such Lands, Streams, and Waters, and to take therefrom such Water as the Commissioners may require for the Purposes of this Act. Power to make Waterworks according to deposited Plans.
- 8.** If any Omission, Mis-statement, or wrong Description be made of any Lands, or of the Owners, Lessees, and Occupiers of any Lands described in the Plans or Book of Reference so deposited as aforesaid, it shall be lawful for the Commissioners, after giving Ten Days Notice to the Owners and Occupiers of the Land affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County of the Town of *Galway*, and shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, Errors or Omissions in Plans may be corrected by Two Justices, who shall certify the same.
and Certificate to be deposited.

The Galway Commissioners Waterworks Act, 1863.

and it shall be lawful for the Commissioners to make the Works according to such Certificate.

Description
of Works.

9. It shall be lawful for the Commissioners to construct, make, and maintain Waterworks and Reservoirs for the Convenience of supplying Water to the Inhabitants of the said Town, commencing at the River *Corrib* at the Point marked 1 on the Maps herein-before referred to, lying 490 Feet to the North of the Ruins of *Terryland Castle*, situate in the Townland of *Terryland*, passing thence through the Townlands of *Terryland* and *Townparks* and terminating at *Prospect Hill* on the several Properties of Sir *Thomas E. Blake* Bart., and the Governors of the Schools founded by *Erasmus Smith* Esquire, North-east of the County Infirmary, and North-west of the Street of *Bohermore*, in the Townland of *Townparks*, all in the Parish of *St. Nicholas* and County of the Town of *Galway*, and to make a Conduit commencing at such intended Reservoirs and passing under several Streets in the said Town of *Galway*.

Persons
authorized
by 8 & 9 Vict.
c. 18. and
23 & 24 Vict.
c. 106. to
convey may
grant Leases.

10. The Persons authorized by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act Amendment Act, 1860," to convey Lands may grant any Easement (except the taking of Water other than that for which Notice has been given), Power, or Authority in or over such Lands.

Commission-
ers not to
take certain
Lands with-
out Consent.

11. Provided always, That it shall not be lawful for the Commissioners, without the Consent of the Owner thereof, to purchase or take any Land on the Line or Course of the Main Pipe or Aqueduct delineated on the said Plans, except such Land as shall be necessary for the Erection and Occupation of Houses for Persons having the Care of the Stop Cocks or Stop Valves on the Line of such Pipes.

Limits of
Deviation.

12. In the Construction of the Works by this Act authorized to be made, it shall not be lawful for the Commissioners, without the Consent of the Owners of the Lands on which such Works shall be situated, to make lateral Deviations from the Lines of such Works exceeding the Limits of lateral Deviations described and shown on the said Plans, nor without such Consent to make vertical Deviations from the Levels of the Reservoirs delineated on the said Sections to any Extent exceeding Three Feet, nor from the Levels of any other Works to any Extent exceeding Five Feet.

Portions of
8 & 9 Vict.
c. 20. incor-
porated.

13. The Sections of "The Railways Clauses Consolidation Act, 1845," numbered 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, and also the Sections of that Act numbered 53, 54, 55, 56, 57, and 58, relating to the Substitution of other Roads for Roads interfered with and to the Restoration of Roads interfered with, shall,

The Galway Commissioners Waterworks Act, 1863.

shall, so far as relates to the Construction of Reservoirs, be incorporated with this Act; and in construing the same in connexion with this Act the Expression "the Special Act" shall mean this Act, the Expression "the Company" shall mean the Commissioners, and the Expression "the Railway" shall mean the Works by this Act authorized.

Construction of Terms.

14. The Commissioners may purchase by Agreement for the Purposes of this Act, in addition to the Lands delineated on the said Plans and referred to in the said Book of Reference, any Quantity of Land not exceeding in the whole Ten Acres.

Additional Lands may be purchased by Agreement.

15. The Powers hereby granted for the compulsory Purchase of Lands and other Property shall not be exercised after Five Years from the passing of this Act.

Powers for compulsory Purchases limited.

16. The Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act granted to the Commissioners for executing such Works shall cease to be exercised except as to so much thereof as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Commissioners from enlarging and extending, or otherwise altering, renewing, or repairing their Mains and Pipes and Works of Distribution or other Works, from Time to Time, whenever it shall be necessary or proper for the Purposes of this Act.

Period for Completion of Works.

17. In order to provide against Accidents to Life or Property by the bursting of any Reservoirs of the Commissioners authorized to be made under the Provisions of this Act: Therefore, whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices on their own View and without Complaint by any Person may proceed under this Act as if a Complaint were so made to them.

Power to Two Justices to inquire into the State of the Reservoirs.

18. If on any such Inquiry the Justices are satisfied that the Complaint is well founded and that the Reservoir is in a dangerous State and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Persons as they think fit to enter on the Lands of the Commissioners acquired under this Act and to lessen the Water in such Reservoirs and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices for immediate Repair.

19. If on such Inquiry the Justices are satisfied that there was due Cause for Inquiry, but are not satisfied that the Reservoir complained of

Order of Justices after Sum-

[Local.]

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The Galway Commissioners Waterworks Act, 1863.

mons on
Commis-
sioners to
repair
Reservoirs.

is in such an imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint; they shall issue their Summons to the Commissioners to answer the Complaint; and upon hearing the Parties, or upon default of Appearance of the Commissioners, then in their Absence the Justices may, by Order in Writing under their Hands, order the Commissioners, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoirs and to do such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices on
Failure of
Commis-
sioners to
obey Orders.

20. If in any such Case the Commissioners do not, within such Period as the Justices specify in that Behalf in the Order, lower the Water in the Reservoir, and do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Commissioners, shall order such Persons as the Justices think fit to enter on the Lands of the Commissioners acquired under this Act, and if necessary lower the Water in such Reservoir and do all such Works and Things specified in the Order and not done by the Commissioners, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of Complaint.

Form of the
Order.

21. Any such Order of Justices may be in the Form or to the Effect following :

‘ To *A.B.* [or *A.B.* of &c.]
‘ WE the undersigned, Two of Her Majesty’s Justices of the Peace
‘ acting for the County of the Town of Galway, do hereby order
‘ and direct you, and such Person or Persons as you may require to aid
‘ and assist you therein, forthwith to lower the Water in the [*here specify*
‘ *the Reservoir in which the Water is to be lowered*], and to do all such
‘ Works and Things as are requisite to repair and make good [*here specify*
‘ *the Reservoir to be repaired and made good*], and you shall do as little
‘ Injury as possible to the Property of the Galway Commissioners Water-
‘ works or other the Owners of the said Reservoir, and in acting in
‘ obedience to the Premises this shall be your sufficient Warrant.
‘ Given under our Hands this Day of
‘ in the Year of our Lord .’

Persons act-
ing under the
Order not
deemed
Trespassers.

22. No Person acting under and in pursuance of any such Order shall be deemed a Trespasser, and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

23. If

The Galway Commissioners Waterworks Act, 1863.

23. If the Justices so think fit, they may by any such Order impose on the Commissioners for not carrying the Order into effect any Penalty not exceeding Ten Pounds for every Day's Default which the Justices think fit; but such Penalty shall not be incurred during any Period in which the Justices shall have ordered any other Persons to remove the Cause of Complaint.

Justices may impose a Penalty on Commissioners for not obeying the Order.

24. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of the Order on the Commissioners, and also all or such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of the Order by any Person other than the Commissioners, to be paid by the Commissioners, and every Amount so to be paid shall be paid by the Commissioners to such Person as the Justices shall appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Justices may order Commissioners to pay the Costs of Works done, &c.

25. Provided always, That if the Commissioners feel aggrieved by any such Order of Justices, or any Determination by the Justices on any such Complaint, the Commissioners shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far (if at all) as on the Appeal the Order is quashed or altered, the Order appealed against shall be in force.

Power to Commissioners to appeal against Order.

26. Provided always, That the Commissioners shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable for any Diminution or Cessation of the Supply of Water or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act or the Acts incorporated herewith or any of them to the contrary notwithstanding; and all Rates, Rents, Remunerations, and other Charges may be made, levied, received, and recovered upon and from all Persons who would otherwise have been liable under this or the recited Acts or any of them, notwithstanding any such Diminution or Cessation of the Supply of Water as aforesaid.

Commissioners not to be liable for Consequence of such Orders of Justices.

27. Where any Person uses for other than domestic Purposes any Water supplied by the Commissioners, not having previously agreed with the Commissioners for a Supply for other Purposes, and where any Person having agreed with the Commissioners for a Supply of Water for any Purposes other than domestic Purposes uses for any Purposes other than the Purposes so agreed on the Water so supplied by the Commissioners, every Person so offending shall for every such Offence forfeit and pay to the Commissioners any Sum not exceeding Five Pounds.

Penalty on using Water for other Purposes than those agreed on.

28. It

The Galway Commissioners Waterworks Act, 1863.

Commis-
sioners may
draw off
Water from
Reservoir for
the Purpose
of Repairs.

28. It shall be lawful for the Commissioners from Time to Time to cause the Water to be drained or let off from any of their Reservoirs for the Purpose of repairing such Reservoirs or any of the Dams, Banks, Tanks, Channels, Watergates, Pipes, or other Works appertaining thereto, or for the Purpose of cleansing out such Reservoirs or any Part thereof; but in any such Case the Commissioners shall use all convenient Speed in making such Repairs or in executing such cleansing and shall not be liable for any Loss or Damage sustained by any Person by reason of such Proceeding.

Commis-
sioners to
provide
Water at
high Pres-
sure.

29. The Commissioners shall, so soon as conveniently may be done after the Completion of the Works by this Act authorized, provide and keep in the Pipes to be laid down by them a Supply of pure and wholesome Water, sufficient for the domestic Use of the Inhabitants of all Houses in the Town of *Galway*, and such Supply shall be constantly laid on at such a Pressure as will make the Water reach the top Story of the highest Houses within the said Town (except in the Case of Houses at too great an Elevation to be supplied from the Works of the Commissioners); and the Commissioners may cause Main Pipes at their own Expense to be laid down and Water to be brought through every Street within the said Town, and shall at the Request of the Owner or Occupier of any House within the said Town furnish to such Person within such House by means of Branch Pipes and other necessary and proper Apparatus to be provided, laid down, and maintained at the Cost of such Person (as herein-after mentioned) a sufficient Supply of Water for domestic Purposes; and the Owner of any House within the Limits of the Town shall, when so required by the Commissioners, provide a Branch Pipe and other necessary and proper Apparatus from any Main Pipe which hereafter may be laid in any Street in which such House may be situate, and except as herein-after provided the Occupier of such House shall be liable to pay and shall pay the Water Rates in respect of the same.

Regulations
for prevent-
ing Waste of
Water.

30. For the Purpose of preventing the Waste, Misuse, or undue Consumption or Contamination of Water supplied by the Commissioners, the Commissioners may from Time to Time prescribe the Size, Nature, Strength, Materials, Mode of Arrangement, and Repair of the Pipes, Valves, Cocks, Cisterns, Waterclosets, and other Apparatus to be used, and may interdict any Arrangement and the User of any Pipes, Valves, Cocks, Cisterns, Waterclosets and other Apparatus which in their Judgment may tend to any such Waste, Misuse, undue Consumption, or Contamination.

Conditions
of Supply.

31. The Commissioners shall not be bound to supply any Water unless the Pipes, Cocks, Cisterns, Waterclosets, or other Apparatus to be used be made of such Size, Nature, Strength, and Materials, and be so arranged and repaired as the Commissioners from Time to Time prescribe

The Galway Commissioners Waterworks Act, 1863.

prescribe or approve; and in the event of any Dispute as to whether such Pipes, Cocks, Cisterns, Waterclosets, and other Apparatus are of such Size, Nature, Strength, and Materials as aforesaid, or have been so arranged and repaired as prescribed and approved by the Commissioners, such Dispute shall be settled by Two Justices in the same Manner as is provided by the "Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for and of Penalties.

32. The Commissioners may after Twenty-four Hours Notice repair or alter any Pipe, Valve, Cock, Cistern, Watercloset, or other Apparatus of any Person supplied by them with Water, so as to prevent any Waste of Water, and the Expenses of the Repair or Alteration shall be repaid to them by the Person liable to pay the Rate for the Water so supplied or on whose Credit the Water is supplied thereto, and may be recovered by the Commissioners, together with full Costs of Suit, by Action in One of the Superior Courts, or to the Amount of Forty Pounds by Civil Bill Process.

Repair of Pipes, &c. by Commissioners.

33. Every Person supplied with Water by the Commissioners who wilfully or negligently suffers any Pipe, Valve, Cock, Cistern, Watercloset, or other Apparatus to be out of repair, or so used as that Water supplied to him by the Commissioners is wasted or misused so as to allow an undue Consumption of the Water supplied by the Commissioners, or to allow the Return of foul Air or other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Commissioners, shall for every such Offence forfeit to the Commissioners any Sum not exceeding Five Pounds.

Penalty for Waste of Water by Nonrepair of Pipes, &c.

34. The Commissioners may let for Hire any Meter or Instrument for ascertaining the Quantity of Water consumed and supplied, and any Pipes or Apparatus for the Conveyance and Storage of such Water, for such Remuneration in Money as shall be agreed upon between the Commissioners and the Person to whom the same is so let, and such Remuneration shall be recovered in the same Manner as the Rates or Sums due to the Commissioners for Water, together with Costs; and such Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent, or be taken in execution under any Process of any Court of Law or Equity, or under any Proceedings in Bankruptcy or Insolvency, or under any other legal Proceedings.

Commissioners may let Meters for Hire.

35. The Officers of the Commissioners may at all reasonable Times enter any House, Building, or Land supplied by the Commissioners by Meter in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water and for the Purpose of ascertaining the Quantity of Water consumed or supplied, and may from Time to

Powers for ascertaining Quantity consumed by Meters and for renewing Meter.

[Local.]

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Time

The Galway Commissioners Waterworks Act, 1863.

Time enter any House, Building, or Land for the Purpose of removing or carrying away any Meter, Instrument, Pipes, Fittings, or other Works the Property of the Commissioners; and if any Person hinder any such Officer from entering and making such Inspection or effecting such Removal, or refuse to admit him into such Premises, every Person so offending shall for every such Offence forfeit to the Commissioners a Sum not exceeding Five Pounds: Provided always, that, except with the Consent of a Justice or Justices, such Power of Entry shall not be exercised in any Manner nor at any Times not authorized by "The Waterworks Clauses Act, 1847."

Penalty on
wrongful
User of
Water.

36. Every Person who, not being entitled to be supplied with Water by the Commissioners, shall take or use any Water from any Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern or any like Place containing Water belonging to or supplied by the Commissioners, shall for every such Offence forfeit to the Commissioners any Sum not exceeding Five Pounds, over and above any Damage or Loss sustained by the Commissioners, and every Person who, being entitled to be supplied with Water by the Commissioners, shall wilfully take or use any Water from any such Reservoir, Watercourse, Conduit, or Pipe, or from any such Cistern or other like Place for any other Purpose than the Purpose for which he is entitled to be supplied, shall for every such Offence forfeit to the Commissioners a Sum not exceeding Five Pounds, over and above any Damage or Loss sustained by the Commissioners, such Penalty to be recoverable in the same Manner as the Water Rates.

For prevent-
ing Impuri-
ties to Water.

37. Provided always, That the Commissioners shall not be compelled to supply with Water any Watercloset or Bath or other Convenience, or the Apparatus or Pipes connected therewith, unless the same shall be constructed and used so as to prevent the Waste or undue Consumption of the Water of the Commissioners and the Return of foul Air or other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Commissioners.

Water may
be cut off in
certain
Cases.

38. If any Person supplied with Water by the Commissioners neglect to pay any Rate or Sum of Money payable by him under this Act, or wilfully do or cause or permit to be done anything in contravention of any of the Provisions of this Act or the Acts incorporated herewith, or wilfully fail to do anything which under any of these Provisions ought to be done for the Prevention of Waste, Misuser, undue Consumption, or Contamination of the Water supplied by the Commissioners, or refuse any Officer of the Commissioners Admittance to or prevent him from entering any House or Premises to which such Officer shall for the Time being be authorized under this Act to enter, the Commissioners may cut off any of the Pipes by means of or through which Water is supplied to him, or on his Responsibility or Liability, and may cease to supply Water to him,
or

The Galway Commissioners Waterworks Act, 1863.

or on his Responsibility or Liability, so long as the Cause of Injury or Complaint remains and is not remedied, and may also recover from him, together with full Costs of Suit, in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Commissioners may sustain by reason of any such Act or wilful Failure.

39. A Supply of Water for domestic Purposes shall include a Supply of Water for Waterclosets in private Houses, but shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages (where such Horses or Carriages are kept for Hire, or by common Carriers, or are the Property of a Dealer), or for Steam Engines, or for the Supply of Shipping, or for Railway Purposes, or for warming or ventilating Purposes, or for working any Machine or Apparatus, or any Trade, Manufacture, or Business whatever, or for watering Gardens by means of Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for public Baths, or for any private Bath having the Water laid on and from which there shall be an overflow Pipe, or which shall be capable of containing, when filled for Use, more than Sixty Gallons of Water, or for any ornamental Purpose whatever: Provided that in the Case of Horses kept for Hire, Water shall be supplied by Contract at a Rate not exceeding Four Shillings *per Annum* for each Horse, and in such Case the domestic Water Rate shall not be leviable on the annual Value of the Stables or Parts of Stables in which such Horses are kept.

Definition of the Term "domestic Purposes."

40. The Commissioners may contract with any Person to supply such Person with Water for other than domestic Uses upon such Terms and Conditions and at such Rate or Rent as may be mutually agreed on between the Commissioners and such Person, and the Rate or Rent so agreed on shall be deemed and taken to be and shall operate as a Rate assessed upon the Person with whom the Commissioners shall so contract, and the Rate so to be charged shall be collected by and paid to the Collector of Water Rates to be appointed by the said Commissioners.

Commissioners may contract for Supply for other than domestic Purposes.

41. In the Case of all Contracts for the Supply of Water by the Commissioners for other than domestic Purposes the Commissioners may demand and receive by the Collector of Water Rates Payment in advance by way of Deposit: Provided always, that the Commissioners shall deduct the Amount of such Deposit from the List or Rental to be forwarded to the Collector, who shall allow the same as Part of the Rate or Rent to be collected by him from the Person who had made such Deposit as aforesaid.

Commissioners may take Deposit for Contract Rate.

42. The several Rates or Rents charged to or upon or payable by the several Persons with whom the Commissioners shall contract for the Supply of Water for other than the Purposes of the domestic Rate and public

The Rate payable by Persons with whom Commissioners

The Galway Commissioners Waterworks Act, 1863.

contract to be called "the Contract Water Rate."

public Water Rate as herein-before mentioned shall constitute a Rate to be called the "Contract Water Rate," but no such Contract need be under the Common Seal of the Commissioners.

Persons contracting for Supply of Water not disqualified from acting as Commissioners, &c.

43. No Person entering into a Contract with the Commissioners for a Supply of Water shall thereby be disabled from being, continuing, or acting as a Commissioner of the Town of *Galway*, or as an Officer or Servant of the Commissioners, or incur any Penalty by reason of such Contract, or of his being, continuing, or acting as such Commissioner, Officer, or Servant.

Fire Engines and Firemen may be provided by the Commissioners.

44. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances and may employ a proper Number of Persons to act as Firemen and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they may think fit.

Fire Police permitted to go beyond the Limits of the Act in certain Cases.

45. The Commissioners may send such Engines with their Appurtenances and the said Firemen beyond the Limits of this Act for extinguishing Fire in the Neighbourhood of the said Limits, and the Owner of the Lands or Buildings where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines with their Appurtenances and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owners of the said Lands or Buildings, the Amount of the said Expenses and Charges, as well as the Propriety of sending such Engines and Firemen as aforesaid for extinguishing such Fire, if the Propriety thereof be disputed, shall be determined by Two Justices, whose Decision shall be final, and the Amount of the said Expenses and Charges shall be recoverable by the Commissioners as Damages.

Commissioners to make out annual List of the Contracts for the Collector.

46. The Commissioners shall, in the Month of *December* in every Year, make out an Account or Rental of the Contract Water Rate made and payable under this Act for the Period of Twelve Calendar Months from the First Day of *January* then next ensuing, together with the Amounts of any Arrears then owing, and the Clerk, Secretary, or other Officer appointed by the Commissioners shall certify such Account or Rental in a Book to be kept by them, and transmit a Copy of same within the Time to the Collector of Water Rates; and the Commissioners shall from Time to Time certify to such Collector any Additions to or

Alterations

The Galway Commissioners Waterworks Act, 1863.

Alterations in the said Account or Rental, and the Collector shall accordingly amend the said Rental and act on the same as so amended.

47. Provided always, That the compulsory Power of purchasing and taking Land given by this Act shall not be taken to authorize the Commissioners to take or interfere with the Property of the Crown vested in the principal Officers of Her Majesty's Ordnance, unless with the full Consent of the Honourable Board of Ordnance, or until after such Property shall cease to be used or required as Barracks or for the Public Service.

Commissioners not to take Land compulsorily belonging to the Board of Ordnance.

48. It shall not be lawful for the Commissioners to construct below High-water Mark at ordinary Spring Tides any Work hereby or otherwise authorized to be made, without the previous Consent of the Board of Trade, to be signified in Writing under the Hand of the Secretary of the Board of Trade, and then only according to such Plan and under such Restrictions and Regulations as the said Board of Trade may approve, such Approval being signified as last aforesaid, and where any such Work shall have been constructed it shall not be lawful for the Commissioners, or any other Person or Persons, at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed or be altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Board of Trade to abate, alter, and remove the same and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

Works below High-water Mark not to be executed without Consent of the Board of Trade.

49. If at any Time or Times it shall be deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Commissioners in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Commissioners shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Commissioners.

Board of Trade may order local Survey at Expense of Commissioners.

50. If any Work to be constructed by the Commissioners in, under, or across any tidal or navigable Water or River, or if any Portion of any such Work which affects any such Water or River or Access thereto shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Board of Trade to abate and remove the same or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of

Works affecting tidal Waters abandoned may be removed by Board of Trade at Expense of

The Galway Commissioners Waterworks Act, 1863.

Commis-
sioners.

the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

Commis-
sioners to
estimate
annual
Sums re-
quired.

51. The Commissioners shall and they are hereby authorized and required from Time to Time, before proceeding to make any Water Rate under this Act, to estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the Cost, Charges, and Expenses of supplying Water as required by this Act, including the Payment of the Interest of any Money to be borrowed, as well as any Sum of Money which shall be set apart and applied as and for a Sinking Fund as hereinafter provided.

Power to
Commis-
sioners to
levy public
Water Rate.

52. It shall be lawful for the Commissioners and they are hereby authorized and required from Time to Time to assess and levy upon all Dwelling-houses, Shops, Warehouses, Counting-houses, Coach-houses, Stables, Cellars, Vaults, Buildings, Depôts, Workshops, Mills, Stores, Manufactories, and the several Gardens, Yards, or Lands thereunto belonging, and all other Lands, Gardens, Yards, Tenements, Buildings, and Premises within the Limits of this Act, a Rate to be called "the public Water Rate," not exceeding in any One Year Threepence in the Pound of the Valuation of all such Property so situate within the said Limits, the same to be assessed according to the Valuation made pursuant to the Provisions of the Act passed in the 15th and 16th Years of the

15 & 16 Vict.
c. 63.

Reign of Her Majesty, Cap. 63, entitled *An Act to amend the Laws relating to the Valuation of rateable Property in Ireland*, such Rate to be paid and borne in the same Proportions and in like Manner as Poor Rates are paid and borne by Landlord and Tenant in *Ireland*.

Power to
levy "Do-
mestic Water
Rate."

53. It shall be lawful for the Commissioners and they are hereby authorized and required from Time to Time to assess and levy a Rate to be called "the domestic Water Rate" upon and from the Occupiers of all Dwelling Houses and of such Parts or Portions of all Shops and Buildings as may be used as Dwelling Houses within the Limits of this Act, valued to the Amount of Four Pounds and upwards, according to the Valuation of such Dwelling Houses and Shops and Buildings and of any Gardens or Land attached or belonging thereto respectively provided that such Rate, together with the public Water Rate and the Revenue derivable by the Commissioners for the Supply of Water by Agreement shall not in any One Year exceed Tenpence in the Pound of the Valuation of such Property; and if at any Time the Amount received shall be more than sufficient for all the Purposes aforesaid, the Commissioners shall and they are hereby required on the Occasion of making the ensuing domestic Water Rate to make a corresponding Reduction therein.

54. The

The Galway Commissioners Waterworks Act, 1863.

54. The Water Rates authorized by this Act shall be made, levied, and collected yearly or half-yearly, as the Commissioners may direct.

Water Rates to be made at such Periods as Commissioners may think fit.

55. The several Clauses and Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters; (that is to say,)

10 & 11 Vict. c. 34. incorporated.

With respect to the Manner of making Rates (except the Sections numbered respectively 167, 175, 176, 177, and 179);

With respect to the Appeal to be made against any Rate;

With respect to the Recovery of the Rates;

shall be incorporated with this Act and shall be applied to the Water Rates hereby-authorized.

56. The Commissioners may from Time to Time borrow on Mortgage on the Credit of the Water Rates by this Act authorized and the Revenue arising from Water Supply by the Commissioners any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, but (except as is by this Act otherwise provided with respect to the Costs of this Act) all and every Part of the Money so to be borrowed shall be applied only to the Purposes required by this Act.

Power to borrow on Mortgage of Rates.

57. The Commissioners shall on the Completion of the Waterworks by this Act authorized erect not less than Six public Fountains within the said Town.

Power to erect public Fountains.

58. All Monies which shall come to the Hands of the Commissioners from the Rates or Revenue to be received by them under the Powers of this Act shall be applied and disposed of as follows:

Application of Water Rates.

Firstly, in paying the Interest of all Monies borrowed, and which shall from Time to Time be due and owing on the Credit of the said Rates or Revenue;

Secondly, in setting apart and appropriating the Sum herein-after directed to be set apart and appropriated for paying off the Principal Monies which shall have been borrowed or secured on the said Rates or Revenue;

Thirdly, in managing and maintaining the Waterworks; and

Lastly, in paying off all Principal Monies due on the Credit of the said Rates or Revenue.

59. If after having borrowed any of the Monies they are by this Act authorized to borrow or continue at Interest the Commissioners pay off any Part thereof, it shall be lawful for them again to borrow in the Manner aforesaid the Part thereof so paid off at the like or any other Rate of Interest, and so on from Time to Time.

Re-borrowing.

60. In case the Commissioners shall refuse or neglect to pay the Interest due on any such Mortgages, any Mortgagees may, in addition to any

Arrears may be enforced by Appoint-

The Galway Commissioners Waterworks Act, 1863.

ment of a
Receiver.

any other Remedies, enforce Payment of any Interest due and for Six Months in arrear on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize the Application for the Appointment of a Receiver shall be not less than One thousand five hundred Pounds.

Sinking
Fund.

61. From and after Two Years from striking the First Rate under the Powers of this Act, the Commissioners shall annually for the Period of Ten Years set aside from and out of the Income arising under this Act a Sum equal to One Pound *per Centum per Annum*, and from and after the said Period of Ten Years a Sum equal to Two Pounds *per Centum per Annum*, on the Amount from Time to Time raised and owing for the Purposes of this Act, and the Sum so from Time to Time set aside shall be invested in Government Securities, and shall be applied as soon as can be to the Redemption of any Mortgages granted under this Act.

Expenses of
Act.

62. The Costs, Charges, and Expenses of and incident and preparatory to the applying for and passing of this Act shall be paid out of any Monies coming to the Hands of the Commissioners under the Provisions of this Act.

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