



## CHAPTER cxxxi.

An Act to extend the Boundaries of the Borough of Clonmel to provide for the transfer to the Corporation of Clonmel of the Undertaking of the Clonmel Gas Consumers Company Limited and for other purposes. A.D. 1895.

[6th July 1895.]

**W**HEREAS the borough of Clonmel in the counties of Tipperary and Waterford is a municipal borough subject to the Acts relating to municipal corporations in Ireland and the mayor aldermen and burgesses of the said borough (in this Act called "the Corporation") are the urban sanitary authority under the Public Health (Ireland) Acts for the district thereof:

And whereas it is expedient that the municipal limits of the borough should be extended so as to include the districts defined in the First Schedule to this Act which adjoin the borough and are in this Act referred to as "the added area":

And whereas by a Provisional Order of the Local Government Board for Ireland dated the twenty-ninth day of November one thousand eight hundred and seventy-eight and confirmed by the Act 42 and 43 Victoria chapter liv. the jurisdictions powers and authorities of the grand juries of the county of Waterford and south riding of Tipperary with respect to roads bridges footpaths and public works within the borough except any work concerning the said counties or either of them at large were transferred to the Corporation and it was provided that after such transfer it should not be lawful for the said grand juries respectively to make any presentment with regard to any road bridge footpath or other public work within the borough except any public work concerning the said counties at large and chargeable thereto respectively and provision was further made for the payment of the balance of the grand jury cess to which the borough would then in future be liable:

And whereas by an Order dated the third day of December one thousand eight hundred and eighty made by the said Local Govern-

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ment Board under section 277 of the Public Health (Ireland) Act 1878 it was ordered and declared that one-half of the expenses of repairing and making roads situate in the borough and in the south riding of Tipperary upon which royal mails were or should be carried were and should continue to be leviabie and chargeable upon the south riding of Tipperary at large excluding therefrom the said borough and should be presented for and levied accordingly :

And whereas the said Provisional Order was amended and varied by the Clonmel Provisional Order 1882 confirmed by the Act 45 Victoria chapter xxxii :

And whereas it is expedient that the provisions of the said Provisional Orders and of the said Order of the said Local Government Board should apply throughout the extended borough :

And whereas by an agreement (a copy of which is set out in the Second Schedule to this Act) dated the sixteenth day of November one thousand eight hundred and ninety-four and made between the Clonmel Gas Consumers Company of the first part Benjamin Fayle and the other persons therein named being directors of the said company of the second part the Corporation of the third part Edward Cantwell (mayor) and the other persons therein named being aldermen and councillors of the borough of the fourth part the said company agreed to sell their undertaking to the Corporation for the sum of thirteen thousand pounds on terms and conditions therein mentioned :

And whereas it is expedient that the said agreement should be confirmed and that the undertaking of the company should be transferred to and vested in the Corporation accordingly and that the Corporation should be authorised to supply gas for public and private purposes within the limits in this Act mentioned :

And whereas the greater part of the borough is situate in the south riding of the county of Tipperary and the remaining part in the county of Waterford and the assizes for the south riding of Tipperary are held in the borough and the quarter sessions and civil bill court for the Clonmel division of the said county are also held in the borough and it would be a great convenience to the inhabitants of the borough and facilitate the administration of justice therein if for the purpose of assizes the whole borough were deemed to be within the said south riding and if for the purposes of quarter sessions and civil bill court the whole borough were to be deemed to be within the said Clonmel division the purposes of the civil bill court including all jurisdiction at present conferred upon the county court judge while sitting as judge of the said division and if justices for the counties of Waterford and Tipperary respectively had jurisdiction throughout the borough and it is

expedient that the provisions in this Act with respect to the matters aforesaid should be made accordingly :

And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes in this Act mentioned and to raise further moneys by borrowing for the purposes of this Act :

And whereas it is expedient to make such other provisions as this Act contains :

And whereas plans showing the lands to be acquired compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerks of the peace for the counties of Tipperary and Waterford respectively and are in this Act referred to as the deposited plans and book of reference :

And whereas estimates have been prepared by the Corporation for the purchase of the gasworks and lands and for the various matters by this Act authorised and such estimates are as follows :—

For gas purposes :	£	s.	d.	£	s.	d.
For the purchase of the gas company's undertaking -	13,000	0	0			
For the purchase of the interests in the said undertaking formerly belonging to the British Gas Light Company -	3,000	0	0			
For extensions and improvements of gasworks -	2,000	0	0			
				18,000	0	0
For lands and general purposes :						
For the purchase of lands -	2,000	0	0			
For the extensions of waterworks -	2,000	0	0			
For the purchase of lessee's &c. interest in Corporation lands and other purposes consequent upon the extension of the borough such as new foot-paths sewers &c. -	3,000	0	0			
				7,000	0	0
Total -				£25,000	0	0

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And whereas the several works included in such estimates are permanent works within the meaning of the Public Health (Ireland) Act 1878 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twentieth day of November one thousand eight hundred and ninety-four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Clonmel Chronicle a local newspaper published or circulated in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the council should promote a Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the borough fund and borough rate or other rate or otherwise out of such public funds or rates as the Corporation should determine :

And whereas such resolution was published in the said Clonmel Chronicle and has received in respect of matters within the jurisdiction of the Local Government Board for Ireland the approval of that Board and in respect of other matters the approval of the Chief Secretary to the Lord Lieutenant of Ireland :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fifteenth day of February one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the propriety of the promotion of the Bill for this Act was approved of by special resolution of the persons qualified to vote at an election of members of the council passed at a meeting summoned and held in conformity with the provisions of section 7 of the Borough Funds (Ireland) Act 1888 :

And whereas the objects of this Act cannot be attained 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) :—

#### PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Clonmel Corporation Act 1895.

Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Extension of Borough Boundaries and Municipal.

Part III.—Gas and Water.

Part IV.—Lands.

Part V.—Financial.

Part VI.—Miscellaneous.

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3. The Lands Clauses Acts the Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) so far as the same are applicable to the purposes of and are not varied by or are not inconsistent with the provisions of this Act are incorporated with and form part of this Act and the Gasworks Clauses Act 1871 (except section 8 thereof) shall apply to the gas undertaking of the Corporation. Incorporation of Acts.

4. This Act shall be carried into execution by the Corporation acting by the council. Council to execute Act.

5. In this Act unless there be something in the subject or context repugnant to such construction— Interpretation.

“The existing borough” means the borough of Clonmel as existing at the passing of this Act :

“The added area” means the area added to the existing borough by this Act :

“The borough” means the borough of Clonmel as extended by this Act :

“The Corporation” means the mayor aldermen and burgesses of the borough :

“The council” means the council of the borough :

“The mayor” means the mayor of the borough :

“The town clerk” means the town clerk of the borough :

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough :

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

“The gas company” means the Clonmel Gas Consumers Company Limited :

“The scheduled agreement” means the agreement of the sixteenth day of November one thousand eight hundred and ninety-four set forth in the Second Schedule to this Act :

“The Municipal Corporations Acts” means the Municipal Corporations (Ireland) Act 1840 and the Acts in force amending the same or otherwise relating to municipal corporations in Ireland :

The expression “the Public Health (Ireland) Acts” means the Public Health (Ireland) Act 1878 and all other Acts relating to public health in Ireland amending or affecting the same :

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The expression "Summary Jurisdiction Acts" means the Petty Sessions (Ireland) Act 1851 and the Acts amending or affecting the same :

The expression "court of summary jurisdiction" means any justice or justices of the peace or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts :

The expression "court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognisance of general or quarter sessions arises :

"The Grand Jury Acts" means the Grand Jury (Ireland) Act 1836 and all Acts in force amending the same or otherwise relating to grand juries in Ireland :

The expression "civil bill court" shall include land and equity sessions :

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof.

#### PART II.—EXTENSION OF BOROUGH BOUNDARIES AND MUNICIPAL.

Extension of  
borough  
boundaries.

6.—(1) The boundaries of the existing borough are hereby extended so as to include and the borough shall accordingly include in addition to the existing borough the districts defined in Part I. of the First Schedule to this Act.

Map of  
borough.

(2) An Ordnance map signed in duplicate by Walter Hume Long Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred showing the limits of the borough as fixed by this Act shall within two weeks after the passing hereof be deposited in the Private Bill Office of the House of Commons and with the town clerk of the borough at his office in the borough and a copy of such map or plan certified by the town clerk as correct shall be sent by him as soon as conveniently may be to the Board of Agriculture Provided always that in the event of any discrepancy being found to exist between the boundaries of the borough shown on the said map or plan so signed as aforesaid and the boundaries so far as described in the First Schedule hereto the said map shall prevail.

(3) The plan deposited with the town clerk shall at all reasonable times be open to the inspection of any burgess and a copy of the same or any extract therefrom certified by the town clerk to be correct shall be received in all courts of justice and in all proceedings as *prima facie* evidence of the boundaries of the borough as shown thereon.

7. Subject to the provisions of this Act all the powers rights privileges authorities and duties of the Corporation under the Municipal Corporations Acts and under the Public Health (Ireland) Acts and all other Acts in force within the existing borough at the passing of this Act or otherwise and the powers rights privileges authorities and duties of the officers and servants of the Corporation in their respective official capacities shall subject as aforesaid (to the exclusion of any other authority and their officers and servants) extend to and throughout the borough.

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Authority of Corporation ... extended.

8.—(1) From and after the passing of this Act all jurisdiction power and authority of the grand juries of the counties of Waterford and of the south riding of Tipperary respectively with respect to roads bridges footpaths and public works within the added area (except with respect to any public work which may concern the said county or south riding at large) vested in the said grand juries respectively under any Act or Acts of Parliament shall be transferred from the said grand juries respectively to the Corporation and from and after such transfer it shall not be lawful for the said grand juries respectively to make any presentment with regard to any road bridge footpath or other public work within the added area except any public work concerning the said counties at large respectively and chargeable thereto.

Transfer of powers from the grand juries to the Corporation.

(2) From and after such transfer as aforesaid Articles two to eight of the Provisional Order relating to the existing borough made by the Local Government Board on the twenty-ninth day of November one thousand eight hundred and seventy-eight and confirmed by the Act 42 and 43 Victoria chapter liv. as extended and amended by sections two and four of the Clonmel Provisional Order 1882 and the Order of the Local Government Board dated the third day of December one thousand eight hundred and eighty shall mutatis mutandis subject to the provisions of this Act extend and apply throughout the borough and the said sections of the said Provisional Orders as so extended and applied shall be read and have effect as if the said Provisional Orders had been confirmed in respect of the added area by this Act.

9. The added area shall be added to and incorporated in and with the existing east and west wards of the borough so that those wards shall from and after the passing of this Act respectively consist of the districts respectively described in Part II. of the First Schedule to this Act.

Added area to be added to existing wards.

10. Nothing in this Act shall affect the tenure of office of the mayor or of any alderman or councillor being such at the passing of this Act or any rotation among the aldermen or councillors or alter

Provisions respecting existing mayor &c.

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Effect of alteration of wards &c. elections and offices the Municipal Corporations Acts shall be executed in relation to the borough in like manner in all respects as if the boundaries of the borough at the time of its original incorporation had been such as they will be under this Act and as if the division and extent of the wards of the borough had been originally such as they will be under this Act.

Amendment of section 92 of Municipal Corporations (Ireland) Act 1840 as to quarterly meetings of council.

11. Notwithstanding anything in section 92 of the Municipal Corporations (Ireland) Act 1840 the quarterly meetings of the council which by that section are required to be held on the first day of November shall be holden at such hour on such days before the twenty-fifth day of November then next following as the council shall resolve at the meeting for the election of the mayor to be held in pursuance of section 5 of the Municipal Corporations (Ireland) Act 1843 (6 and 7 Vict. cap. 93).

Proceedings in case of death of candidate between nomination and poll.

12. If at any election of alderman or councillor one of the candidates nominated shall die or become disqualified for election after the time for receiving nominations has expired and before the poll has commenced the mayor or other returning officer shall upon being satisfied of the fact of such death or disqualification countermand notice of the poll and all proceedings with reference to the election shall thereupon be commenced afresh. Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

During vacancy of office of mayor meetings of council to be called by town clerk.

13. If the mayor shall die or become disqualified or be incapacitated from acting by illness or otherwise the town clerk shall during the vacancy of the office or during such incapacity as the case may be have and perform all the powers and duties of the mayor with respect to the calling of meetings of the council or the signing of notices therefor.

Borough treasurer.

14.—(1) On and after the first day of January one thousand eight hundred and ninety-six the Corporation may appoint the treasurer to hold office during the pleasure of the council and may appoint any bank or banking company to act as treasurer of the borough.

(2) Any treasurer appointed after the passing of this Act shall not vacate his office unless he resigns or is required so to do by the council.

Certain provisions of the Towns Improvement (Ire.

15. From and after the passing of this Act it shall not be necessary to hold separate meetings of the council for the transaction of business under the Towns Improvement (Ireland) Act 1854 and all such business may be transacted at meetings of the



council held under the Municipal Corporations Acts and from and after the thirty-first day of August one thousand eight hundred and ninety-five the accounts in respect of all moneys received and disbursed under the Towns Improvement (Ireland) Act 1854 shall be kept as part of the accounts of the Corporation under the Municipal Corporations Acts and subject to the provisions of those Acts and this Act with respect to accounts and as from the dates aforesaid the provisions of the Towns Improvement (Ireland) Act 1854 with respect to the meetings of the Commissioners and with respect to the rates to be levied and the accounts to be kept by the Commissioners shall cease to have effect within the borough.

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land) Act  
1854 no  
longer to  
apply.

PART III.—GAS AND WATER.

16.—(1) The scheduled agreement is hereby confirmed and made binding on the parties thereto respectively.

Agreement  
with gas  
company  
confirmed  
and to be  
carried into  
effect.

(2) The sale shall be carried into effect by a deed of transfer duly stamped in which the consideration shall be truly stated and on the execution thereof by the gas company the undertaking of the gas company as defined in the said agreement shall by virtue thereof and of this Act be transferred to and vested in the Corporation (which is in this Act referred to as "the transfer") The deed of transfer and vesting shall within three months after the date of its operation be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be a debt due to Her Majesty and recoverable accordingly with full costs of suit and all costs and charges attending the same.

(3) The receipt of any three of the directors of the gas company for the purchase-money indorsed on such deed shall be a sufficient discharge to the Corporation for the same and the Corporation shall not be bound to see to the application or be answerable for mis-application or non-application thereof.

17. The Corporation may after the transfer acquire by compulsion or agreement the reversion in fee or any other outstanding estate or interest in the lands and premises mentioned in the Third Schedule to this Act as delineated on the deposited plans and described in the deposited book of reference Provided that the powers for compulsory purchase under this section shall cease after the expiration of three years from the passing of this Act.

Power to  
acquire out-  
standing  
interests in  
gas lands.

18. Subject to the provisions of this Act the Corporation from and after the transfer may from time to time maintain alter extend improve renew or discontinue the existing gasworks of the gas

Powers as to  
construction  
and main-  
tenance of  
gasworks &c.

A.D. 1895. company upon the lands on which the same are erected or any part thereof and which lands are described in the Third Schedule to this Act and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Gas limits.

19. The limits of this Act for the supply of gas shall be the borough and any places adjacent thereto situate within a radius of three miles from the town hall of the borough.

Power to Corporation to supply gas outside borough on certain terms &c.

20.—The Corporation may from time to time supply gas to the owner or occupier of any premises outside the borough and within the limits on such terms and conditions and for such consideration as may be agreed on between the Corporation and such owner or occupier.

Power to manufacture sell and let gas engines fittings &c.

21. The Corporation may manufacture sell provide use and let for hire gas meters fittings engines stoves pipes machinery apparatus and appliances for the warming lighting and ventilating of houses and buildings the cooking of food motive power and other articles and things in any way connected with gasworks or the supply of gas as they may from time to time think fit.

Power to hold patent rights or licences.

22. The Corporation may hold and use patent rights licences or authorities not being exclusive under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas or residual products.

Power to lay pipes for lighting buildings.

23. The Corporation may with the consent of the owner and occupier of any building lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

Power to fix lamp brackets &c.

24. The Corporation may cause lamp-irons or brackets and lamps as well as plates indicating the position of fire hydrants to be fixed to or against any premises in any street.

Price of gas.

25. It shall not be lawful for the Corporation to demand and receive for gas supplied by them by meter any sum exceeding the sum of six shillings and sixpence for every one thousand cubic feet so supplied.

26. The quality of gas supplied by the Corporation shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles.

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Quality of gas.

27. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to the testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Pressure of gas.

28. The Corporation shall within six months after they have commenced to manufacture and supply gas under the provisions of this Act cause to be provided at their gasworks a testing place with apparatus according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used.

Testing place.

29. If any person is required by the Corporation to give them security for the payment of the price or rent of a meter the Corporation shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months for which the same remains in their hands.

Corporation to pay interest on money deposited for gas meter.

30. The Corporation from time to time may appoint out of their own body a gas committee consisting of not more than five persons for the execution of such of the purposes of this Part of this Act as in the discretion of the Corporation would be better regulated and managed by means of such committee and may delegate to the gas committee such of the powers and duties of the Corporation under this Part of this Act as they think fit and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Corporation. Provided that the acts of every such committee shall if the Corporation so

Appointment of committees by Corporation.

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order and to such extent as the Corporation prescribe be valid without being submitted to the Corporation for their approval and the quorum of any such committee shall be such as the Corporation direct and the Corporation may from time to time make any such regulations as they think fit for the guidance of any such committee and the Corporation may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the Corporation and the attendance at and conduct of business at such committees shall be limited to the members thereof and their officers.

Power to Corporation to supply water outside borough.

**31.**—(1) The Corporation may from time to time supply water to the owner or occupier of any premises outside the borough and within one mile from the boundary thereof on such terms and conditions and for such consideration as may be agreed on between the Corporation and such owner or occupier.

(2) For the purposes of the supply of water by the Corporation within the limits aforesaid there shall be incorporated with this Act the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and in construing those provisions for the purposes of this Act the expression "the undertakers" shall mean the Corporation and the expression "the limits of the special Act" shall mean the limits aforesaid.

Power to supply water meters and fittings.

**32.** The Corporation may supply provide erect sell let and hire meters fittings and other apparatus and appliances for or used in the sale supply or consumption of water on such terms and conditions and for such remuneration as may be agreed on between the Corporation and the person for or to whom the same are supplied provided erected sold let or hired.

Provision for sale of portion of waterworks or gasworks and plant to other sanitary authorities.

**33.** If at any time after the passing of this Act any sanitary authority whose district is beyond the district of the Corporation but within their limits for the supply of water or gas shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the waterworks or gasworks and plant of the Corporation as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board (Ireland) to such purchase and shall apply to Parliament or the Local Government Board (Ireland) for power to purchase such portion of the waterworks or gasworks and plant of the Corporation (except the mains and pipes or other apparatus which shall be necessary for supplying with water or gas any other part of the limits of the Corporation for the supply of water or gas) and to supply water or gas within such district then it shall not be

lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such sanitary authority shall purchase the portion of the waterworks or gasworks and plant of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water or gas within such district shall cease and determine.

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PART IV.—LANDS.

**34.** Whereas the Corporation require sand and gravel for the maintenance and repair of the streets and roads within the borough and such sand and gravel can conveniently be obtained from the lands herein-after mentioned Be it enacted that the Corporation may for the purposes aforesaid acquire by compulsion or otherwise the said lands as delineated on the deposited plans and described in the deposited book of reference relating thereto (namely):—

Power to Corporation to acquire lands by compulsion or otherwise.

Certain lands in the townland of Burgagery Lands East in the parish of St. Mary's Clonmel and county of Tipperary bounded on the north by land in the occupation of Patrick Moroney on the south by Davis Road otherwise Kilsheelan Street on the east by land in the occupation of Patrick Moroney and on the west by land in the occupation of the Corporation :

Lands in the townland of Croan Lower in the parish aforesaid in the county of Waterford bounded on the north by the Coleville Road on the south by land in the occupation of Michael Phelan on the east by lands in the same occupation and on the west by land in the same occupation.

**35.** If any omission mis-statement or wrong description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the following provisions shall have effect (that is to say):—

Correction of errors as to lands.

The Corporation may apply to two justices for the correction thereof after giving ten days' notice in writing to the owners lessees and occupiers of the lands affected by the proposed correction :

If it appears to such justices that the omission mis-statement or wrong description arose from mistake they shall certify the

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same stating in the certificate the particulars of the omission mis-statement or wrong description. The certificate shall be deposited with the clerk of the peace for the county of Waterford or with the clerk of the Crown and peace for the county of Tipperary as the case may be and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference shall be deemed to be corrected according to the certificate and the Corporation may enter on take and use the lands accordingly. A copy or extract from such certificate purporting to be under the hand of the clerk of the peace for the county of Waterford or the clerk of the Crown and peace for the county of Tipperary as the case may be shall be sufficient evidence of such correction.

Limitation of time for compulsory purchase of lands.

**36.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

**37.** The Corporation shall not under the powers of this Act purchase or acquire 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 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. For the purpose of this section the expression "labouring class" means and includes mechanics artizans 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 purchase interests of lessees of Corporation property.

**38.** The Corporation with the consent of the Local Government Board may by agreement with the lessee or occupier of or with any person having an interest in or charge upon any lands and premises of which the Corporation are the owners purchase and acquire the term or interest of such lessee or occupier or person in such lands and premises and for that purpose may apply any moneys which they are authorised to raise for the general purposes of the borough or any other moneys in their hands and not required for the purposes for which they were raised.

PART V.—FINANCIAL.

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**39.**—(1) The Corporation may from time to time borrow at interest the sums of money herein-after specified or any part thereof (that is to say):—

Power to borrow.

(A) For the purpose of paying the sum of thirteen thousand pounds payable to the gas company under the scheduled agreement and the costs charges and expenses of and incidental to the transfer and for the general purposes of their gas undertaking any sum not exceeding eighteen thousand pounds:

(B) For the purchase of lands and the general purposes of the borough to which capital is properly applicable any sum not exceeding seven thousand pounds:

(C) To pay the taxed costs of this Act the sum necessary for that purpose.

(2) And in order to secure the moneys so borrowed they may mortgage the borough fund and the borough rate and the net revenue of their gas undertaking and all or any of their funds and revenues.

(3) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

(4) Money borrowed under this section shall be repaid within the following periods from the respective date of borrowing the same (that is to say):—

Under sub-section A within forty years:

Under sub-section B within sixty years:

Under sub-section C within five years.

(5) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or by the application of any money in the nature of capital other than borrowed money they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

**40.** The Corporation may raise the whole or any part of the moneys which they are authorised to borrow under this Act by the

Money may be raised

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[Ch. cxxxi.] *Clonmel Corporation Act, 1895.* [58 & 59 VICT.]

under Local Loans Act 1875.

As to mortgages of Corporation.

issue of debenture stock under the Local Loans Act 1875 which shall apply to the Corporation and to the council accordingly.

**41.**—(1) All mortgages granted by the Corporation under this Act shall rank together without any priority on account of the dates of the respective mortgages or on any other account.

(2) The provisions contained in sections 240 to 243 of the Public Health (Ireland) Act 1878 shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "rates" shall be construed to include the net revenue of the gas undertaking of the Corporation and the borough fund and borough rate and any other funds and revenues included in the mortgage Provided that any application for the appointment of a receiver shall be made to the High Court and not to a court of summary jurisdiction.

Repayment of borrowed moneys.

**42.** The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of the sinking fund herein-after referred to or partly by such instalments and partly by such sinking fund :

Provided that it shall not be obligatory on the Corporation to pay off any money borrowed under this Act or to make any appropriations for the sinking fund in respect thereof before the expiration of one year from the borrowing of the same.

Regulations as to sinking fund.

**43.** The following regulations shall be observed by the Corporation in relation to the sinking fund formed under this Act :—

(1) Such equal yearly sums shall be paid by the Corporation into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed so far as they are repayable by means of the sinking fund within the periods by this Act prescribed in relation thereto respectively :

(2) All sums paid into the sinking fund shall as soon as may be be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks corporation stocks or other securities (not being securities payable to bearer) duly created and issued by any municipal corporation in the United Kingdom (other than the Corporation) or by any local authority as defined by section 34 of the Local Loans Act 1875 or by any urban sanitary authority in Ireland :

(3) The Corporation shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal



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moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys have been discharged or redeemed :

(4) Whenever any of such principal moneys have been paid off by means of the sinking fund the Corporation shall until the whole of the principal moneys have been paid off pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :

(5) Whenever and so long as the market value of the securities in the sinking fund for the discharge of the principal moneys borrowed under this Act shall be equal to the amount of the principal moneys then outstanding the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

44. The powers of borrowing or raising money conferred by this Act shall not be restricted by any of the regulations contained in the Public Health (Ireland) Act 1878 and in calculating the sum which the Corporation may borrow under that Act or any other Act any sums which they may borrow under this Act shall not be reckoned :

Regulations of Public Health (Ireland) Act not to apply to borrowing powers.

Provided that nothing in this Act contained shall enable the Board of Works to make a loan in any case when the sum borrowed with the balances of all outstanding loans contracted by the Corporation under the Sanitary Acts and the Public Health (Ireland) Act 1878 would exceed in the whole twice the net annual value of the borough.

45. All mortgages and securities granted by the Corporation in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and securities have priority over any mortgages and other securities granted under this Act.

Priority of principal moneys secured by existing mortgages.

46. No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Protection of lender from inquiry.

47. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be paid

Annual return to be

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made to  
Local  
Government  
Board with  
respect to  
sinking  
fund.

as an instalment or to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in the form prescribed by that Board and verified by statutory declaration if so required by them showing the amount that 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 wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by the parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation 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 if they think fit and after hearing the Corporation if desiring to be heard 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 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 out of the Queen's Bench Division of the High Court of Justice in Ireland.

Application  
of gas  
revenue.

48. The Corporation shall keep accounts in respect of their gas undertaking separate from all their other accounts and shall apply the gas revenue as follows (that is to say) :—

(1) In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas rates and rents and of the borrowing of money under this Act for the purposes of the gas undertaking and in payment of the working and establishment expenses and cost of maintenance of their gas undertaking :

(2) In providing the moneys required to pay the interest on moneys borrowed by them or raised by the issue of stock under this Act for the purposes of the gas undertaking :

(3) In providing the requisite instalments or sinking fund under this Act for the repayment of moneys borrowed under this Act for the purposes aforesaid :

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(4) In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the gas undertaking or to meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending their gas undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of two thousand pounds :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to two thousand pounds.

**49.** The Corporation may collect the gas rents with the borough rate and may apportion the cost of the collection between the gas rents and the borough rate as they think fit.

Gas rents may be collected with borough rate.

**50.** Any deficiency in the revenues and receipts of the Corporation on account of the gas undertaking shall be from time to time made good out of the borough fund and borough rate in such manner as the Corporation may from time to time determine.

As to deficiency in receipts.

**51.** From and after the passing of this Act all rates leviable by the Corporation within the borough whether as a municipal authority a sanitary authority or otherwise shall be consolidated with and form part of the borough rate and all sums raiseable within the borough by means of such rates shall thenceforth be raised by means of the borough rate only and such rate may be made prospectively in order to raise money to pay charges and expenses to be incurred or retrospectively in order to raise money to pay charges and expenses already incurred and any limit imposed on the borough rate by any Act of Parliament shall not after

Consolidation of rates— Removal of limit and power to make rates prospectively and retrospectively.

A.D. 1895. the date aforesaid apply to the borough rate save as herein-after provided :

Provided always that the Corporation shall keep accounts of all expenses incurred or payable by them as an urban sanitary authority in the execution of the Public Health (Ireland) Act 1878 and not otherwise provided for separate from their accounts for general purposes and the borough rate shall be made in such manner as to provide for and discriminate between the said general purposes and sanitary purposes :

Provided also that such portion of the rate to be struck from time to time as shall require to be levied for the purpose of defraying any expenses incurred by the Corporation as an urban sanitary authority for sanitary purposes to be called "the Sanitary Purposes Account" shall be subject to the provisions of section 226 of the Public Health (Ireland) Act 1878 and the lands mentioned in the first proviso to the said section 226 shall be liable for this portion of the rate in the proportion of one-fourth part only of the net annual value of such lands respectively :

Provided also that "the General Purposes Account" and the portion of the rate levied therefor shall not be subject to the said provision in the said section :

Provided also that for the purpose of this section there shall be charged to the General Purposes Account and not to the Sanitary Purposes Account all the expenses of paving and public lighting and all the expenses of the Town Hall and all the expenses of the Corporation under the Provisional Order relating to the transfer of powers from the grand juries of the counties of Tipperary and Waterford made by the Local Government Board on the twenty-ninth day of November one thousand eight hundred and seventy-eight confirmed by the Act 42 and 43 Victoria chapter liv as extended and amended by the Clonmel Provisional Order 1882 confirmed by the Act 45 Victoria chapter xxxii and the Order of the Local Government Board of the third day of December one thousand eight hundred and eighty as extended and applied throughout the borough by this Act and all other expenses incurred under the Municipal Corporations Act 3 and 4 Victoria chapter 108 and the Acts amending the same the Towns Improvement (Ireland) Act 1854 and all the office expenses and the expenses connected with the creation and management of Corporation stock under the Local Loans Act 1875 or the Public Health Acts Amendment Act 1890 :

Provided also that nothing herein contained shall prevent the Corporation from making application to the Local Government Board to alter the incidence of the charges for sanitary purposes

as provided by the said section 226 of the Public Health (Ireland) Act 1878. A.D. 1895.

**52.**—(1) If at any time during the period for which any rate was made any house or premises shall be unoccupied the person who shall have paid the rate in respect of such house or premises shall be entitled to have repaid to him by the Corporation a part of the rate so paid proportioned to the period during which such house or premises have been unoccupied. Provided that the amount so repayable shall not in any case exceed two-thirds of the rate and that a demand for repayment of the same shall have been made to the Corporation in writing within twelve months from the making of the rate. Rates where premises are unoccupied.

(2) Any difference which may arise between the Corporation and any person as to the right to such repayment or the amount thereof or otherwise in respect thereof may be determined in a summary manner by a court of summary jurisdiction under the Summary Jurisdiction (Ireland) Acts.

**53.** The Corporation and any collector appointed by them may in addition to all other modes of recovering or enforcing payment of rates recover the amount of any rate from the person liable to pay the same in a summary manner before a court of summary jurisdiction under the Summary Jurisdiction (Ireland) Acts. Rates may be recovered summarily under Summary Jurisdiction Acts.

#### PART VI.—MISCELLANEOUS.

**54.** Any person who except under statutory powers or without the licence of the Corporation granted or to be granted and for the time being in force shall break the surface of any public street or footway or make an excavation tunnel sewer or drain or lay any pipes tubes or wires under or over any public street or footway shall be liable to a penalty not exceeding twenty pounds and to a daily penalty of not exceeding five pounds. Provided that nothing herein contained shall be deemed to prejudice or affect the powers rights and privileges conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1892. Restrictions on excavating under streets &c.

**55.** It shall be lawful for the medical officer of health of the borough or the borough engineer or surveyor or other officer of the Corporation authorised in writing by the council if he has reason to believe that the drains of any dwelling-house are defective in any respect so that there is an escape of sewer gas into the same or any other house or into any street to enter the premises and to apply such tests for the presence of sewer gas as he may think proper and the Corporation may recover reasonable expenses incurred by them in making any investigation or examination for the Power of entry for the purpose of testing drains.

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purpose of this section from the owner or occupier of the premises unless it shall appear that such examination was unnecessary:

If admission be refused to the medical officer borough engineer or surveyor or other person authorised as aforesaid a court of summary jurisdiction on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises) may by order require such person to admit an officer of the Corporation into the premises for the purpose of making such investigation or examination and any such order shall continue in force so long as may be necessary for the completion of such investigation or examination:

Any person disobeying or in any way acting in contravention of such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Existing pound to be deemed the nearest pound for all cases in the borough.

**56.** The existing pound in the borough or any pound that may hereafter be lawfully substituted for it shall in respect of all seizures within the borough or within the baronies of Glенаheiry and Upper Third in the county of Waterford be deemed the nearest pound of the county within the meaning of the Summary Jurisdiction (Ireland) Act 1851.

Corporation to be heard against claims for compensation for malicious injury affecting borough.

**57.** In all cases where compensation is claimed for any loss or damage sustained by malicious injury under the Grand Jury Acts and in all cases of claims for compensation by persons maimed or representatives of persons murdered any portion of which claim might be levied off the borough or any part thereof the high constable or the secretary of the grand jury shall immediately after he shall have received the application in respect of such loss or damage transmit a copy of the same to the town clerk and the Corporation shall be entitled to be heard before the presentment sessions the grand jury and the judge of assize against the allowance of such claim in whole or in part or of any presentment in respect thereof and to traverse the same before the judge of assize.

Part of borough in county of Waterford to be deemed in south riding of Tipperary for certain purposes.

**58.**—(1.) From and after the passing of this Act that part of the borough which is situate within the county of Waterford shall for the purposes of the trial at the assizes and quarter sessions respectively of all crimes and offences committed therein be deemed part of the south riding of Tipperary and of the Clonmel division of the county of Tipperary respectively and the judges or commissioners of assize for that riding and the general or quarter sessions for that division shall have jurisdiction over all such crimes and offences accordingly and all persons accused of such crimes and offences and who but for the passing of this Act would have been

A.D. 1895.

committed for trial to the assizes or to the general or quarter sessions of the county of Waterford shall be committed for trial to the assizes of the said south riding or the general or quarter sessions for the said division.

(2) From and after the passing of this Act such part of the borough as aforesaid shall be transferred to and be under the jurisdiction of the county court judge of the county of Tipperary and shall for all purposes of the civil bill court be deemed to be part of the Clonmel division or district of the said county.

(3) From and after the passing of this Act such part of the borough as aforesaid shall for the purposes of the qualification of jurors the preparation and revision of the general lists of jurors and lists of special jurors and preparation of the general jurors' book and the summoning and service of jurors and all other matters connected with jurors be deemed to be part of the barony of Iffa and Offa East and county of Tipperary.

(4) From and after the passing of this Act the high sheriff and under sheriff of the county of Waterford shall cease to have any authority in the part of the borough situate in the county of Waterford as aforesaid or to do or perform any act or discharge any duty relating to their said offices therein and from and after the passing of this Act the high sheriff and under sheriff of the said county of Tipperary and all persons acting under the authority or on behalf of the same shall within such part of the borough as aforesaid with respect to the duty of summoning jurors the execution of sentences and all other acts and duties now done performed or discharged in said county of Tipperary by or under the authority of such high sheriff or under sheriff summon such jurors execute such sentences and do perform or discharge all such acts and duties as aforesaid within the said part of the borough as fully to all intents and purposes as if the same were part of the said county of Tipperary.

59. From and after the passing of this Act a justice of the peace for the county of Waterford or for the county of Tipperary shall have jurisdiction throughout the borough and may act as a justice in all matters arising within the borough.

Jurisdiction of county magistrates within borough.

60. The justices sitting in petty sessions for the petty sessions district of Clonmel Rural in the county of Waterford may if they think fit sit at the court house in Nelson Street in the borough or in any other place in the borough and shall have jurisdiction to act as justices within the borough.

Waterford justices may sit in Clonmel court house.

61. Where the Corporation give their consent to the execution of any work or the doing of any act or thing they may give such

As to consent of Corporation.

A.D. 1895. consent subject to any terms or conditions and any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Prosecution of offences.

**62.** All offences penalties costs and expenses under this Act or under any bye-law made in pursuance of this Act the prosecution and recovery of which is not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Corporation under this Act shall (where not otherwise directed) be paid over to their treasurer and be carried to the credit of the borough fund.

Rules as to service of notices summonses and orders.

**63.** The following rules shall be observed with respect to the giving or service of any notice summons or order directed to be given or served under this Act in cases not herein-before provided for:—

A notice summons or order may in all cases be served personally :

A notice summons or order may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises or with some inmate of his abode or if there is no occupier by putting up such notice summons or order on a conspicuous part of the building or premises to which the same relates and it shall not be necessary to name the owner or occupier of such premises nevertheless when the owner of any such premises and his residence or that of his agent are known to or can with reasonable care be ascertained by the party by whom or on whose behalf any notice summons or order is intended to be served it shall be the duty of such party to send every such notice summons or order by the post in a registered letter addressed to the residence or last known residence of such owner or of his agent.

Contracts for gas or water not to disqualify.

**64.** No person entering into any contract with the council for the supply of gas or water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disqualified from being a member of the council or incur any penalty by reason of such contract but any member of the council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the council.

Powers of Act cumulative.

**65.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed



to be in addition to and not in derogation of any other powers conferred upon them by the Public Health (Ireland) Acts and the Corporation may exercise such other powers as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. A.D. 1895.

**66.** No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the Corporation or a mortgagee or holder of Corporation stock or of his being liable to the payment of any gas rent or any rate or other payment under this Act. Justices not disqualified.

**67.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto including the costs incurred by the Corporation in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act as taxed by the Taxing Officer of the House of Lords or of the House of Commons (all which costs charges and expenses are in this Act referred to as "the costs of this Act") shall be paid by the Corporation and in the first instance the Corporation may pay the same out of any of their funds or revenues but they shall be recouped by and charged to the moneys to be borrowed by the Corporation under this Act. Costs of Act.

A.D. 1895.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

So much of the following lands as are situate outside the existing borough boundary viz. So much of the townland of Toberaheena as lies to the east of the western boundaries of lands now in the occupation of Henry Hawtrey Jones and Nano Beary including the field now in the occupation of Charles Jackson situate at the point where the upper (Jackson's Hill Road) and lower roads to Cahir meet that part of the townland of Inishlounaght now in the occupation of Mary A. Fenton situate between the boundaries of the holding of Charles Jackson and of the townlands of Toberaheena and Garryshane and north of the northern bank of the River Suir to the west of the municipal boundary so much of the townland of Garryshane as lies south of a fence running from near the north-western corner of the Clonmel District Lunatic Asylum grounds in a westerly direction to a point where the said fence meets the western boundary of Garryshane the whole of the townlands of Gortmalogue and Cooleens so much of the townland of Ardgeeha as lies to the east of the fence running in a north-westerly direction and almost in a straight line with the eastern boundary wall of the Clonmel Union Workhouse to the point where the said fence meets the southern boundary of the townland of Heywood so much of the townland of Burgagery Lands West as lies to the south of the bed of the Boulic stream between the townland of Heywood and Streamvale House and south of the northern fence bounding the screen of trees running in an easterly direction from near Streamvale House and south of a straight line drawn from the north-east end of the said fence to the boundary of the townlands of Burgagery Lands East and Burgagery Lands West at a point thirty-eight perches or thereabouts to the south of the point where the boundaries of the townlands of Carrigeen Burgagery Lands East and Burgagery Lands West meet excluding that portion to the west of the Workhouse Bridge and south of the existing municipal boundary west of the said bridge the whole of the townland of Burgagery Lands East the whole of the townland of Glenaleny except so much thereof as lies to the north of the northern boundary fence of the Waterford and Limerick Railway and except so much as lies east of the fence running in a northerly direction from the eastern boundary fence of St. Patrick's Cemetery until it meets the southern boundary of the townland of Knockauncourt that part of the townland of Moanmehill lying west of the said cemetery fence and west of the fence running to the south in a zigzag line from the last-mentioned fence to a point on the trackway of the River Suir about one hundred and forty perches east of the present municipal boundary and so much of the said townland of Moanmehill as lies to the west of a line drawn due south to the centre of the River Suir from the

last-mentioned point all the foregoing lands being situate in the parishes of Inishlounaght St. Mary's Clonmel and Kilgrant barony of Iffa and Offa East and county of Tipperary.

Also the following lands situate in the parishes of St. Mary's Clonmel and Inishlounaght barony of Gleneaheiry and county of Waterford so much of the townland of Croan Lower as lies to the west of a line drawn in a southerly direction from the centre of the River Suir at the point last-mentioned and west of the fence running in a southerly direction from the last-mentioned point to the Union labourer's cottage abutting upon the Clonmel and Two-Mile-Bridge or Derrinlaur Road in the townland of Croan Lower and north of the southern fence of the Coleville Road so much of the townland of Croan Upper as lies between the Coleville Road fences west of the said cottage so much of the townland of Spa as is included between the fence of the bye-road leading from the Coleville Road to the Spa Well and to the back of Green Park the whole of the townlands of Raheen Glebe and Old Bridge so much of the road in the townland of Knocklucas leading to Glenegad from Old Bridge as lies between the western extremity of Knocklucas boundary and the Iron Gate to the lands now in the occupation of Patrick Power near the steps leading from the Mayor's Walk to the Glenegad Road so much of the townland of Scrouthea East as lies to the north of a zigzag fence running on the south of the Roaring Spring and south of the house in the occupation of William Cullinan and the garden thereof from the point where there is an iron gate leading to lands now in the occupation of Patrick Power near the steps leading from the Mayor's Walk to Knocklucas or Glenegad Road to the point where the boundaries of the townlands of Scrouthea East and Scrouthea West at a ford cross the road running through the townland of Scrouthea West so much of the townland of Scrouthea West as lies to the north of the fence on the north of and near to the cottage now in the occupation of Henry Holborn and to the north of the southern boundary wall of Cascade Cottage garden and to the north of the southern boundary fence of the field lying between the said garden wall and the boundary dividing the townlands of Kilmacomma and Scrouthea West so much of the townland of Kilmacomma as lies to the north of the southern fence of the Dungarvan Road running between the Old Bridge and the road leading to the Workhouse Bridge so much of the townland of Greenane as lies to the north of the boundary between the townlands of Greenane and Kilmacomma and east of the western fence of the Dungarvan Road leading from the Workhouse Bridge.

## PART II.

### No. 1.—*East Ward.*

All that portion of the borough situated east of the following line (namely) From the point where the Boulic stream intersects the Fethard Road (West) southward along the said road (and over the railway bridge) to Upper Gladstone Street otherwise Upper Johnson Street along the said street to the point of meeting O'Connell Street otherwise Main Street thence westward along O'Connell Street to the point of meeting Bridge Street thence southward along Bridge Street and over the Goat's Bridge to the road leading to Scrouthea village and along the said road to the point where the ford crosses

A.D. 1895. the road south or south-west of the house now in the occupation of William Cullinan.

No. 2.—*West Ward.*

All that portion of the borough situated westward of the line described for the boundary of the East Ward.

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THE SECOND SCHEDULE.

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THIS AGREEMENT made the sixteenth day of November one thousand eight hundred and ninety-four between THE CLONMEL GAS CONSUMERS COMPANY LIMITED (herein-after called "the vendors") of the first part BENJAMIN FAYLE (Chairman) ROBERT MALCOMSON JOHN BARCROFT GRUBB WILLIAM DESPARD HEMPHILL MICHAEL RYAN ALFONSO SHEE being the Directors of the said company (herein-after called "the parties of the second part") of the second part THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF CLONMEL (herein-after called "the purchasers") of the third part and EDWARD CANTWELL (Mayor) JAMES BYRNE PATRICK NUGENT THOMAS JOSEPH CONDON and BENJAMIN WRIGHT (Aldermen) and PATRICK FEEHAN CUNNINGHAM THOMAS SKEHAN JOHN O'DONNELL WILLIAM KELLEHER DANIEL SHEEDY JAMES WHITE THOMAS CASHIN THOMAS RUSSELL THOMAS HALLY DAVID JOHN HIGGINS DAVID O'CONNOR WILLIAM TOOHEY THOMAS PHELAN EDMOND PHELAN EDWARD J. LOOBY HENRY LONERGAN JOHN MAGNER and ARTHUR ST. GEORGE (members of the Council of the said Borough) (herein-after called "the parties of the fourth part") of the fourth part.

The vendors agree to sell and the purchasers agree to buy all the undertaking of the said gas company as a going concern on the following terms:—

1. The undertaking to be so sold and purchased is as follows:—It includes as and from the period of vesting all the gasworks lands buildings machinery apparatus plant mains pipes lamps implements of trade stock-in-trade meters and fittings and all coal cannel coke stores materials residuary products books (except registers of shareholders minute books minutes and documents relating to shares as distinct from the trading in business transfer books and dividend lists) arrears and balances of gas rents due or accruing due moneys owing for or on account of meters and fittings or on any other account insurances property

rights powers and privileges of the vendors subject to the liabilities debts contracts and obligations of the vendors or of any trustee or trustees for them but is not to include the reserve fund money invested in Government stock or on deposit receipt or otherwise and cash at bankers or elsewhere at the period of vesting.

2. The purchase-money shall be thirteen thousand pounds to be paid by the purchasers within six months after the Bill herein-after mentioned has received the Royal Assent.

3. The purchasers shall take over the undertaking as from the first day of July one thousand eight hundred and ninety-four inclusive which is herein-before and herein-after referred to as the period of vesting.

4. The vendors shall continue to carry on the undertaking as it has been hitherto carried on keeping proper books of account from the period of vesting until the sale shall be completed and shall permit the town clerk of the said borough to have access to the said books at reasonable times :

The vendors shall be entitled to charge and retain as part of their working expenses during the period of their so carrying on the undertaking a commission of five per centum per annum on all sales and on all gas and meter rents and other debts got in and received other than the interest on the reserve fund and money invested They shall use all proper diligence to get in and receive all moneys due to the company.

5. The purchasers shall upon the completion of the sale pay interest from the period of vesting until the sale is completed at four per cent. per annum in addition to the said sum of thirteen thousand pounds and shall be entitled to all the profits of the undertaking from the said period.

6. The vendors shall make good title to the purchasers within fourteen days after the requirements of the seventh section of the Borough Funds (Ireland) Act 1888 have been duly complied with and the purchasers duly authorised in accordance therewith to promote the Bill herein-after mentioned or otherwise within fourteen days after the due and valid ratification of this agreement by the proper number of the shareholders of the said vendors' company whichever event shall last happen under a lease of the eleventh day of October one thousand eight hundred and fifty made between Benjamin Atwood Francis Wilson Graham Wilkin and Robert Gilbert of the one part and Joshua Malcomson John Luther and John Hughes of the other part at the rent of two hundred pounds per annum and under a lease dated twenty-fourth day of September one thousand eight hundred and forty-two made between John Bagwell of the one part and Joshua Malcomson John Luther and John Hughes of the other part at a yearly rent of forty pounds and sixpence per pound for receiver's salary subject to a sub-lease of twenty-third day of December one thousand eight hundred and forty-two made between the said Joshua Malcomson John Luther and John Hughes of the one part and Edward Jones of the other part at the yearly rent of fifteen pounds but freed from all other incumbrances whatsoever save and except the mortgage of the twenty-seventh March one thousand eight hundred and fifty-one between the then trustees of the gas company and the then trustees of the British Gas Light Company and in the event of the vendors not being able to make good title to the said premises to the satisfaction of the purchasers' solicitor this agreement shall be at an end

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The purchasers admit the identity of the premises specified in the said leases and the lessors' title to grant the same. Neither the vendors nor the parties of the second part shall be required to enter into any covenant for title or otherwise in the purchase assurance.

7. The purchasers and the parties of the fourth part undertake to promote a Bill in the next session of Parliament to carry out the objects of this agreement.

8. The parties of the second part undertake forthwith and not later than the thirty-first day of January one thousand eight hundred and ninety-five to do all necessary things to obtain the assent of the company by special resolution so to enable the company to carry out this agreement and in the event of such assent not being obtained this agreement shall be null and void. The passing of such resolution shall be attested by the common seal of the company being affixed to this agreement and by the signatures of three of the directors and the secretary to the company.

9. In the event of the Bill not becoming law in the next session of Parliament this agreement shall be null and void and the vendors shall be entitled to the profits of the undertaking as if this agreement had not been made and the purchasers shall be freed from all payment of interest.

10. Provided always and it is hereby agreed that if this agreement becomes null and void by reason of the vendors not making good title or by reason of this agreement not being ratified by special resolution of the company the parties of the second part will indemnify the purchasers against all costs properly incurred in promoting the said Bill so far as the same relates to the subject matter of this agreement and were incurred for the purposes thereof up till the said default and if the agreement becomes null and void by reason of the default of the purchasers in not duly promoting and endeavouring to obtain their special Act then the parties of the fourth part will indemnify the vendors from all costs incurred by them up to the said period of default including the costs of and incident to this agreement:

Provided further that the purchasers shall be at liberty to insert a provision in the said Bill enabling them to take the premises the subject matter of this agreement compulsorily in case this agreement shall as aforesaid become null and void but at the price and on the terms named in this agreement so far as such terms are applicable.

11. The purchasers and the parties of the fourth part undertake to provide in the Bill for the continuance in office of the following servants of the vendors upon the following terms (that is to say) William Kneeshaw the present manager of the company and Jeremiah Maxey the present fitter of the company shall be continued in their present offices with their present salaries and emoluments and with fifteen years' engagement respectively subject to be determined only in case of misconduct or incapacity. Miss Sarah Kneeshaw the present clerk and book-keeper of the company to be continued in her present office with her present salary and with five years' engagement subject to determination only in case of misconduct or incapacity:

Thomas Hassett the secretary and book-keeper of the company to be continued in his present office at a salary of fifty pounds per annum with five

years' engagement subject to determination only in case of misconduct or incapacity provided the said Thomas Hassett shall not be required to discharge any duty or duties not at present discharged by him either as secretary or as book-keeper of the company and he shall not be required to be in attendance at the office every successive day or for a longer time on any one day than may be necessary for the efficient discharge of such duties or as a maximum for more than three whole working days in each week or the time equivalent to three whole working days in each week Provided that if the said Thomas Hassett shall at any time or from time to time allow the work required to be done by him as such secretary and book-keeper to fall into arrear he shall be bound to forthwith do such work up to the period of receiving notice of such work being in arrear the foregoing provisions to the contrary notwithstanding :

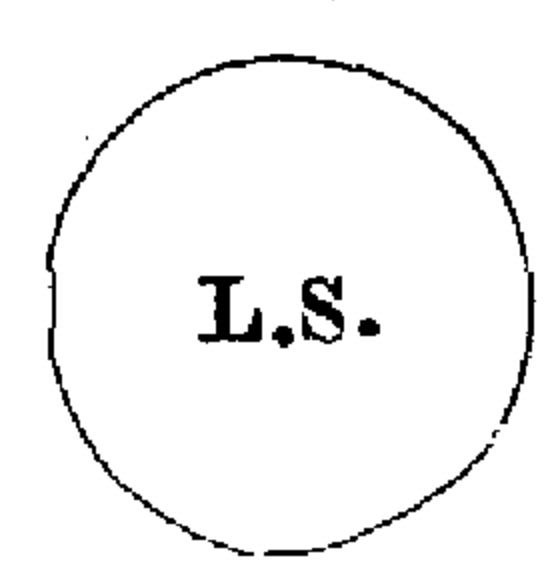
Provided always and it is hereby declared that if this agreement shall not be duly executed by all the several parties hereto save said vendors within fourteen days from the date hereof this agreement shall be null and void for all purposes whatsoever :

This agreement is made subject to any alterations which Parliament may see fit to make therein but if any material alteration shall be made therein to which either party objects it shall be competent for the objecting party to withdraw from this agreement and the same shall be no longer binding on either party.

In witness whereof the parties hereto of the first part have caused their common seal to be hereto attached and the parties hereto of the second part have hereunto set their hands and the said mayor aldermen and burgesses have caused their corporate seal to be hereto attached and the said parties hereto of the fourth part have hereunto set their hands and affixed their seals upon the day and in the year first herein-before written.

Signed sealed and delivered by the Gas Co. in presence of

JAMES F. REA.



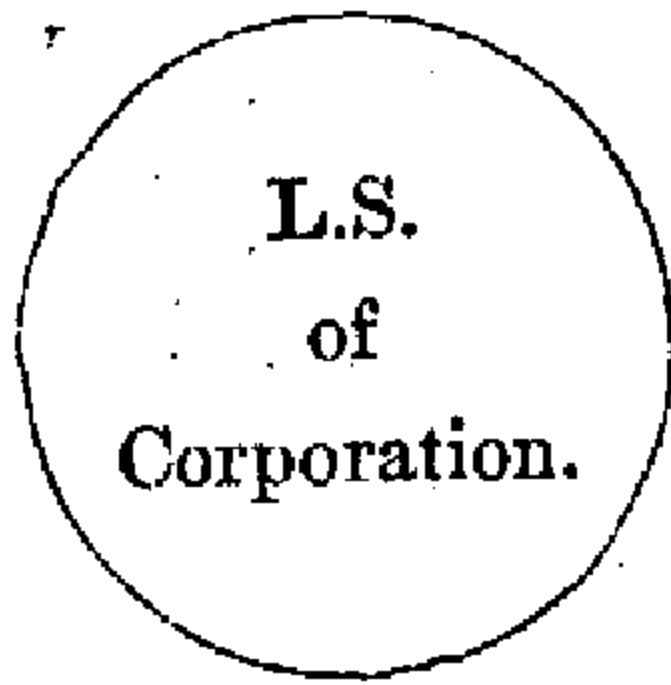
Benjn. Fayle Chairman  
W. D. Hemphill  
Michael Ryan  
Thos. Hassett Secretary

Signed by the parties of the second part in presence of

JAMES F. REA.

Benjn. Fayle  
Robert Malcomson  
John B. Grubb  
Wm. D. Hemphill  
Michael Ryan  
Alfonso Shee

The common seal of the above-named mayor aldermen and burgesses was hereunto affixed at a meeting of the council of the said borough by John Francis O'Brien the present town clerk of same in the presence of the words "and" on the second page between the 23 and 24th line from top and "properly" on the 3rd page between the 26 and 27th line from top and "save said vendors" on 4th page between the 3rd and 4th line from the bottom having been all first interlined and the words "properly incurred" on 3rd page 28th line the word "solely" on the 29th line 3 page hereof having been first struck out.



- Edward Cantwell Mayor (L.S.)
- Patrick Nugent (L.S.)
- James Byrne Ald. (L.S.)
- Benjamin Wright (L.S.)
- Thomas Joseph Condon (L.S.)
- Patrick Feehan Cunningham (L.S.)
- Thomas Skehan (L.S.)
- John O'Donnell (L.S.)
- William Kelleher (L.S.)
- Daniel Sheedy (L.S.)
- James White (L.S.)
- Thomas Cashin (L.S.)
- Thomas Russell (L.S.)
- Thomas Hally (L.S.)
- David John Higgins (L.S.)
- David O'Connor (L.S.)
- W. Toohey (L.S.)
- Thomas Phelan (L.S.)
- Edmond Phelan (L.S.)
- Edward J. Looby (L.S.)
- Henry Lonergan (L.S.)
- John Magner (L.S.)
- Arthur St. George (L.S.)

DAVID J. CLANCY  
Solicitor to the Corporation  
Clonmel.

Signed sealed and delivered by the said Edward Cantwell James Byrne John O'Donnell Daniel Sheedy James White David John Higgins David O'Connor William Toohey Edmond Phelan Edward J. Looby Henry Lonergan and John Magner in the presence of the words "and" on the second page between the 23 and 24th line from top and "properly" on the 3rd page between the 26th and 27th lines from top and "save said vendors" on 4th page between the 3rd and 4th line from the bottom having been all first interlined and the words "properly incurred" on 3rd page 28th line the word "solely" on the 29th line 3rd page hereof having been first struck out

DAVID J. CLANCY  
Solicitor to the Corporation  
Clonmel.

Signed sealed and delivered by the said Patrick Nugent Benjamin Wright Thomas Joseph Condon Patrick Feehan Cunningham Thomas Skehan William Kelleher Thomas Cashin Thomas Russell Thomas Hally Thomas Phelan and Arthur St. George in the presence of the words "and" on the second page between the 23rd and 24th line from top and "properly" on the 3rd page between the 26th and 27th lines from top and "save said vendors" on 4th page between the 3rd and 4th line from the bottom having been all first interlined and the words "properly incurred" on 3rd page 28th line the word "solcly" on the 29th line 3rd page hereof having been first struck out

WILLIAM J. EVANS  
Law Clerk  
Clonmel.



THE THIRD SCHEDULE.

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A.D. 1895.

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Certain lands houses and buildings now in the occupation of the gas company or their sub-tenants (that is to say) Lands in the borough of Clonmel in the townland of Burgagery Lands West in the parish of St. Mary's Clonmel in the county of Tipperary and bounded on the north by Davis Road otherwise Barrack Street on the south by the towing-path along the north bank of the River Suir on the west by Waterford Road otherwise Northumberland Road and on the east by a field in the occupation of John Bell and a yard and premises in the occupation of Michael Moloughny.

Lands in the townland of Burgagery Lands East in the parish of St. Mary's Clonmel and county of Tipperary bounded on the north by land in the occupation of Patrick Moroney on the south by Davis Road otherwise Kilsheelan Street on the east by land in the occupation of Patrick Moroney and on the west by land in the occupation of the Corporation.

Lands in the townland of Croan Lower in the parish aforesaid in the county of Waterford bounded on the north by the Coleville Road on the south by land in the occupation of Michael Phelan on the east by lands in the same occupation and on the west by land in the same occupation.

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Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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