



CHAPTER CCXX.

An Act to extend the boundaries of the Borough of Drogheda to provide for the transfer to the Corporation of Drogheda of the Undertaking of the Drogheda Waterworks Company to authorise the issue of Corporation Stock and for other purposes. [7th August 1896.] A.D. 1896.

WHEREAS the county of the town of Drogheda in the counties of Louth and Meath is a municipal borough subject to the Acts relating to Municipal Corporations in Ireland and the mayor aldermen and burgesses of the said borough (herein-after 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 townlands or parts of townlands described in the schedule to this Act which adjoin the borough and are in this Act referred to as the added area :

And whereas it is expedient that the jurisdiction powers and authorities of the grand juries of the counties of Louth and Meath with respect to roads bridges footpaths and public works within the added area should be transferred to and vested in the grand jury of the county of the town of Drogheda :

And whereas the Drogheda Waterworks Company (in this Act called "the company") were incorporated by the Drogheda Waterworks Act 1864 (in this Act referred to as "the Water Act") and are authorised to supply water within the limits of the borough of Drogheda the town of Drogheda the county of the town of Drogheda and the parishes of Saint Peter's Ballymakenny Tullyallen and Monasterboice in the county of Louth and the parish of Saint Peter's in the borough and county of the town of Drogheda and the parish of Saint Mary's partly in the county of the town of Drogheda and partly in the county of Meath :

And whereas the present share capital of the company consists of twenty thousand pounds divided into two thousand shares of ten

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pounds each of which shares one thousand nine hundred and eighty have been issued and are fully paid up and the company have a mortgage debt of three thousand five hundred pounds :

And whereas it is expedient that provisions such as are in this Act contained should be made for the transfer of the undertaking of the company to the Corporation :

And whereas the supply of water from the waterworks of the company is inadequate to meet the demands of the inhabitants of the borough and other places within the water limits of the company and it is expedient that the Corporation should be empowered to construct the additional works and acquire the additional lands in this Act mentioned and should have such other powers in relation to the supply of water as are in this Act contained :

And whereas estimates have been prepared by the Corporation showing that (in addition to the moneys which will be required for the purchase of the undertaking of the company) the Corporation may require to borrow for the purposes of the water undertaking to which capital is properly applicable (being permanent works within the meaning of the Public Health (Ireland) Act 1878) sums amounting to ten thousand pounds :

And whereas it is expedient that the Corporation be authorised to borrow money and to create and issue corporation stock as in this Act provided :

And whereas it is expedient to make such provisions with respect to hackney carriages labouring class dwellings markets and street advertisements as this Act contains :

And whereas an absolute majority of the whole number of the council at a meeting held on the twentieth day of September one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Drogheda Independent* a local newspaper published and circulating 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 of the said borough :

And whereas such resolution was published in the said *Drogheda Independent* 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 twenty-seventh day of January one thousand

eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament : A.D. 1896.

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 plans and sections showing the lands proposed to be acquired under this Act and the lines situations and levels of the works authorised by this Act and also books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Louth and are in this Act respectively referred to as the deposited plans sections and books of reference :

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.

1. This Act may be cited for all purposes as the Drogheda Corporation Act 1896. Short title.

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

Part I.—Preliminary.

Part II.—Borough Extension and Amendment of Municipal Law.

Part III.—Water.

Part IV.—Borrowing Powers &c.

Part V.—Hackney Carriages.

Part VI.—Labouring Class Dwellings.

Part VII.—Markets and Fairs.

Part VIII.—Street Advertisements.

Part IX.—Miscellaneous.

Act divided into parts.

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

The Lands Clauses Acts ;

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The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but section 44 of that Act as incorporated in this Act and in the Drogheda Waterworks Act 1864 shall from and after the passing of this Act be read and have effect as if the words "with the consent" in writing of the owner or reputed owner of any such house "or of the agent of such owner" were omitted therefrom; and

The Waterworks Clauses Act 1863.

Council to
execute
Act.

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

Interpreta-
tion of
terms.

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

"The promoters of the undertaking" "the undertakers" or "the company" mean respectively the Corporation:

In this Act unless the context otherwise requires--

"The existing borough" means the borough of Drogheda 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 Drogheda 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 borough rate of the borough;

"The Local Government Board" means the Local Government Board for Ireland;

"The company" means the Drogheda Waterworks Company;

"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 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; A.D. 1896.
- “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;
- “Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof.

PART II.—BOROUGH EXTENSION AND AMENDMENT OF MUNICIPAL LAW.

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 townlands and parts of townlands described in Part I. of the schedule to this Act. Extension of borough boundaries.

(2) An Ordnance map signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords showing the limits of the borough as fixed by this Act shall within two weeks after the passing hereof be deposited in the Office of the Clerk of the Parliaments and with the town clerk of the borough at his office and a copy of such map certified by the town clerk as correct shall be sent by him as soon as conveniently may be to the Board of Agriculture and to the Local Government Board Provided that in the event of any discrepancy being found to exist between the boundaries of the borough shown on the said map so signed as aforesaid and the boundaries described in the schedule hereto the said map shall prevail. Map of extended borough.

(3) The map 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 *primâ 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 under 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 and the jurisdictions powers and duties of the mayor sheriff county court judge borough magistrates and other public officials of the existing borough shall extend to and throughout the borough and the criminal jurisdiction Authority of Corporation and officials extended.

A.D. 1896. heretofore exercisable at the assizes for the county of the town of Drogheda shall be extended to and exercisable in respect of the borough.

As to jurisdiction of grand juries.

8. From and after the summer assizes one thousand eight hundred and ninety-seven all jurisdiction power and authority of the grand juries of the counties of Louth and Meath respectively with respect to roads bridges footpaths and public works within the added area except with respect to any public works which may concern the said counties at large vested in the said grand juries respectively under the Grand Jury Acts] shall be transferred from the said grand juries to the grand jury of the county of the town of Drogheda and from and after such transfer it shall not be lawful for the said grand juries of the counties of Louth and Meath 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 Provided that arrears of county cess due within the added area at the passing of this Act may be recovered as if this Act had not been passed.

Added area to be added to existing wards.

9. The added area shall be added to and incorporated with the existing West Gate Fair Gate and Saint Lawrence Gate wards of the borough so that those wards shall by the same names from and after the passing of this Act respectively consist of the areas respectively in that behalf described in Part II. of the schedule to this Act.

Qualification of burgesses.

10. From and after the passing of this Act the Municipal Corporations (Ireland) Act 1840 as applied to the borough shall be read and construed as if the words "of the yearly value of not less than four pounds" had been inserted in section 30 of that Act instead of the words "of the yearly value of not less than ten pounds" Provided that nothing in this Act shall alter the qualification of aldermen or councillors of the borough as the same existed immediately before the passing of this Act.

Provisions respecting existing mayor aldermen and councillors.

11. 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 the number of or any rotation among the aldermen or councillors and with respect to elections offices and other matters 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.

12. 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 day before the twenty-fifth day of November in each year 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.

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Amendment
of section 92
of Municipal
Corporations
(Ireland)
Act 1840.

13. 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 on 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.

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

14. 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.

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

15.—(1) On and after the first day of January one thousand eight hundred and ninety-seven 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.

Borough
treasurer.

(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.

16. 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-six 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

Certain pro-
visions of
the Towns
Improvement
(Ireland)
1854 no
longer to
apply.

A.D. 1896. — 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.

PART III.—WATER.

(i) *Transfer of Water Company's Undertaking.*

Sale and purchase of undertaking of water company.

17. The company shall sell and the Corporation shall purchase the undertaking of the company (which expression in this Act includes all the property real and personal of every description including things in action and all the statutory and other rights powers and privileges whatsoever belonging to or exerciseable by the company) for such price or consideration and on such terms and conditions as may be agreed between the company and the Corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts relating to arbitration and in the construction of the said provisions for the purposes of this part of this Act the expression "lands" shall mean the undertaking of the company. Provided always that if such price or consideration be determined by arbitration the arbitrators or arbitrator or the umpire as the case may be shall take into account the costs incurred by the company in promoting the Water Act and further that it shall be in their or his discretion if they or he think fit to award to the company the whole or any part of the costs incurred by them in opposing this Act.

Vesting of undertaking.

18. On payment by the Corporation of the purchase money to the company or as they shall direct the undertaking of the company shall by virtue of this Act be transferred to and vested in the Corporation subject and according to the provisions of this Act and of any agreement or award made under this Act and thenceforth the Corporation shall have and hold the undertaking and may exercise all the rights powers and privileges of the company.

A Queen's printer's copy of this Act shall be chargeable with the same stamp duty as would be chargeable if the transfer and vesting effected by this Act were a transaction effected by an executed instrument in writing and the copy were the instrument and that copy shall within three months from the date of vesting be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the

date of vesting to the day of payment shall be recoverable from the Corporation with full costs of action. A.D. 1896.

19. The receipt in writing of any three of the directors of the company for the purchase money or the payment thereof by the Corporation to the account of the company with the Bank of Ireland or such other bank as the company may approve shall effectually discharge the Corporation from the sum so paid and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Receipt for purchase money.

20. If at the time of the transfer any action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed but as between the company and the Corporation the company shall indemnify the Corporation against any action or proceeding against the company and the Corporation shall be entitled to the benefit of any action or proceeding in favour of the company which shall be pending at the time of the transfer. Saving for pending actions &c.

21. All agreements bonds contracts conveyances deeds and other instruments affecting the company and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation as the case may be and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto. Saving for contracts &c. of company.

22. The directors of the company shall hold the purchase money and any other moneys belonging to the company in trust to pay thereout all their debts and liabilities and to distribute the residue among the shareholders of the company their executors administrators or assigns according to and in proportion to the value of their respective shares in the capital of that company and the said directors may exercise all powers and do all acts necessary or proper for that purpose and for winding up the affairs of the company. Application of purchase money.

23. Where the directors of the company are for twelve months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money or other moneys to be distributed by them is payable or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same the directors may pay the same into a Payment into court by directors when person entitled to money cannot be found.

A.D. 1896.] Civil Bill Court or into the Chancery Division of the High Court as the case may require under any Act for the time being in force for the relief of trustees.

Eventual
dissolution
of company.

24. When and as soon as the moneys aforesaid have been distributed by the directors of the company and all debts and liabilities of the company have been paid and satisfied and the affairs of the company have been completely wound up the company shall be by virtue of this Act dissolved.

Books &c.
to remain
evidence.

25. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Application
of Water
Act.

26. The Water Act except the provisions thereof relating to the constitution of the company and to the share and loan capital of the company and to the directors and meetings of the company shall as from the day of the transfer continue subject to the provisions of this Act to apply to the undertaking in the hands of the Corporation.

(ii) *Waterworks and Supply of Water.*

Maintenance
of water-
works.

27. The Corporation may from time to time maintain renew extend and repair the reservoirs pumps wells mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the company if this Act had not been passed.

Limits of
supply.

28. The Corporation may sell and supply water for all purposes throughout the whole of the extended borough and all the parishes and places mentioned in section 4 of the Water Act.

Construction
of water-
works.

29. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and on the lands delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the works following (that is to say):—

- (1) A filter bed wholly in the townland of Mell parish of Tullyallen county of Louth on the north side of the embankment of the Rosehall reservoir of the company;
- (2) A line of pipes wholly in the townland of Mell parish of Tullyallen county of Louth commencing in the road leading from Killineer to Drogheda and terminating in the filter bed herein-before described:

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Together with all proper and necessary shafts pumps embankments tanks dams gauges drains sluices catch-pits conduits culverts cuts aqueducts apparatus works and conveniences connected with or incidental to the said works or any of them.

30. In constructing the works by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards but no part of any pipe shall be laid above ground except so far as is shown on the deposited sections.

Power to deviate.

31. If the works by this Act authorised are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Time for completion of works.

32. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference and may for the purpose of their waterworks take collect impound appropriate and use the waters of all springs and streams found in or under any of the lands acquired by the Corporation.

Power to take lands and waters.

33. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding three acres in addition to the lands which they are authorised by this Act to take otherwise than by agreement but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take additional lands by agreement.

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

Power to grant easements &c.

A.D. 1896. — extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

35. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of two years from the passing of this Act.

Reservation of water rights.

36. The Corporation on selling any lands required for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly.

Power to hold lands for protection of works.

37. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Byelaws for preventing waste of water.

38. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say) :—

- (1) The Corporation may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks valves soil pans waterclosets fixed baths tanks cisterns and other apparatus fittings receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :
- (3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their officer duly authorised in writing

(which authority the officer shall show if demanded) repair replace or alter any pipe meter cock valve soil pan watercloset fixed bath tank cistern or other apparatus receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable. A.D. 1896.

39. Where any water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

40. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil pans waterclosets apparatus and receptacles as are required or permitted by their byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same. Power to Corporation to supply materials.

41. Where any premises supplied with water by the Corporation shall have become unoccupied the Corporation their agents and workmen (after giving notice as hereafter provided) may enter such premises between the hours of nine in the forenoon and nine in the afternoon for the purpose of cutting off any pipes by which the water of the Corporation shall be conveyed to such premises and may remove any pipe meter fittings or other apparatus belonging to the Corporation. Entry on unoccupied premises to cut off pipes.

42. The notice to be given by the Corporation previously to making any entry on premises under the provisions of this part of this Act shall be in writing and shall be given or served in manner following (that is to say) :— Notice before entry.

If such premises be occupied then by leaving notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

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If such premises be unoccupied and the owner thereof or his usual place of abode be in Ireland or Great Britain and be known to the Corporation then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours at least previously to such entry or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Ireland or Great Britain or be not known to the Corporation after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purposes of this section any person receiving the rack rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Corporation not bound to supply several houses by one pipe.

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

Notice of discontinuance.

44. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by registered letter to the office of the town clerk.

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

45. 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 shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the waterworks 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 to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation (except the mains pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Corporation for the supply of water) and to supply water 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 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 within such district shall cease and determine. A.D. 1896.

PART IV.—BORROWING POWERS &c.

46.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts herein-after specified (if any) (that is to say):— Power to borrow.

(A) For the purchase of the undertaking of the company and for paying any sums payable by the Corporation to the company under this Act and the costs and expenses incident to such purchase and to the transfer of the undertaking to the Corporation such sums as may be required ;

(B) For the purchase of lands for and the extension and improvement of the water undertaking such sums as may be required not exceeding ten thousand pounds ;

(C) For the erection of improved dwellings for the labouring class such sums as may be sanctioned by the Local Government Board not exceeding twenty-five thousand pounds ;

(D) For the purchase of lands for and the execution of street improvements such sums as may be sanctioned by the Local Government Board not exceeding thirty thousand pounds ;

(E) For payment of the costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining this Act the sums requisite for that purpose.

(2) In order to secure the moneys so borrowed they may mortgage the borough fund and the borough rate and the net revenue of their water 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 Act shall be repaid within the following periods from the respective dates of borrowing the same (that is to say) Under subsections (A) and (B) within fifty years under subsections (C) and (D) within such respective periods as may be sanctioned by the Local Government Board under subsection (E) 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

A.D. 1896. — 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.

As to mortgages of Corporation.

47.—(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 water 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.

48. 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 of principal and interest or by means of a sinking fund 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.

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

(1) Such equal yearly sum shall be paid by the Corporation into the sinking fund as being accumulated at compound interest at a rate not exceeding three 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

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are for the time being authorised to invest or in the mortgages bonds debentures debenture stock corporation stock 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 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.

50. 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 this Act or any other Act any sums which they may borrow under that Act shall not be reckoned. 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) Acts would exceed in the whole twice the net annual value of the borough.

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

51. 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

Priority of principal moneys secured by

A.D. 1896. during the continuance of such mortgages and securities have priority over any mortgages and other securities granted under this Act.
existing mortgages.

Protection of lender from inquiry. **52.** 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 misapplication or non-application of such money or any part thereof.

Annual return to be made to Local Government Board. **53.**—(1) The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be paid 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 a 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 money invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year.

(2) 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 a summary manner.

(3) 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 any sum required by this Act to be set apart for a sinking fund or have applied any portion of the moneys set apart for a sinking fund or any interest thereof to any purpose 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 High Court.

Power to create Corporation stock. **54.** The Corporation may raise all or any moneys which they are authorised to borrow under this or any other public or local Act of Parliament passed or to be passed and any moneys which they may require for paying off or converting or consolidating any loans for the time being outstanding by the creation and issue of

Corporation stock secured on all or any of the rates and revenues of the Corporation and for the purposes of this enactment Part V. of the Public Health Act Amendment Act 1890 as applied to Ireland shall apply as if that Act had been adopted by the Corporation. A.D. 1896.

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

- (1) In payment of their costs charges and expenses of and incidental to the maintenance and management of the undertaking and the borrowing of money for the purposes of the undertaking ;
- (2) In providing the moneys required to pay the interest on moneys borrowed by them or raised by the issue of stock for the purposes of the undertaking ;
- (3) In providing the requisite instalments or contributions to a sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for the purposes aforesaid ;
- (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 any securities in which the Corporation are under this Act authorised to invest sums paid into the sinking fund and accumulating the same at compound interest until the fund so formed amounts to five 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 their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five 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 five 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 water undertaking and paying the current expenses connected therewith and the annual income resulting from the reserve fund when amounting to five thousand pounds.

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Case of
deficiency in
revenue.

56. If in any year the revenue of the water undertaking shall be insufficient to meet the purposes to which it is applicable under this Act the deficiency shall be made good out of the borough fund and borough rate in such manner as the Corporation may from time to time determine.

Rating of
unoccupied
premises.

57. The owner of any unoccupied premises shall be liable to pay such items or such proportion of the municipal rates or rate as the Corporation may from time to time determine. Provided that such items or proportions shall not in any case exceed one third of the municipal rates or rate.

PART V.—HACKNEY CARRIAGES.

Prescribed
distance for
hackney
carriages
&c.

58. Where any hackney carriage is hired within the borough all byelaws relating to hackney carriages and the proprietors and drivers thereof and the provisions of this Act and of the Towns Improvement (Ireland) Act 1854 with respect to hackney carriages for the time being in force within the borough shall apply to such hackney carriage and the proprietor and driver thereof within a distance of ten miles from the principal post office of the borough which distance shall be the prescribed distance for the purposes of the said Towns Improvement Act. Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire beyond the borough.

Powers of
inspector of
hackney
carriages
&c.

59. Any person appointed by the Corporation to inspect hackney carriages may from time to time examine all public vehicles plying for hire within the borough to see whether the laws and byelaws relating to such public vehicles are duly observed. Any proprietor driver or other person who obstructs or hinders any person so appointed as aforesaid in the execution of his duties shall be liable to a penalty not exceeding forty shillings.

PART VI.—LABOURING CLASS DWELLINGS.

Power to
erect labour-
ing class
dwellings.

60. The Corporation with the consent of the Local Government Board may on any lands belonging to them erect and maintain improved dwellings for the accommodation of the labouring class as defined in the section of this Act whereof the marginal note is "Restriction on taking houses of labouring class."

PART VII.—MARKETS AND FAIRS.

Byelaws as
to markets
&c.

61. The Corporation may from time to time make byelaws specifying and defining the streets and open spaces or parts thereof respectively in which the markets and fairs of the borough shall be held or in which any particular market or fair shall be held and they

may also make byelaws specifying and defining the goods animals and articles which may be brought or delivered upon or into any market or fair of the borough and generally for regulating the markets and fairs of the borough.

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62. Every person other than a licensed hawker a horse dealer his agents or servants who sells or exposes for sale within the borough except in his own dwelling-place or shop any articles in respect of which the Corporation are authorised to take tolls in their markets shall be liable to a penalty not exceeding forty shillings.

Restrictions on sales elsewhere than in markets.

PART VIII.—STREET ADVERTISEMENTS.

63.—(1) After the passing of this Act every hoarding or similar structure to be used for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

Provisions as to hoards or other structures used for advertising purposes.

(2) It shall not be lawful after the passing of this Act to erect any hoarding or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street in the borough to a greater height than fifteen feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard or similar structure as the Corporation may determine.

(3) The owner or other person using any hoard or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard or other structure shall forthwith remove and clear away such papers.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings:

Provided always that this section shall not apply to any hoard or advertisement affixed to any railway station or premises of any railway company for the purposes of any such company.

(5) Any consent or condition under this section may be under the hand of the town clerk or borough engineer.

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PART IX.—MISCELLANEOUS.

Power to purchase interest of lessees of Corporation property.

64. 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.

Restriction on taking houses of labouring class.

65. 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 artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Provisions as to bye-laws.

66. The provisions of sections 219 to 223 of the Public Health (Ireland) Act 1878 which relate to byelaws shall apply to byelaws which the Corporation are authorised to make under this Act.

Judges &c. not disqualified.

67. A judge of any court or a justice shall not be disqualified from acting 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 water rent or any rate or other payment under this Act.

Powers of Act cumulative.

68. All powers 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.

69. No person entering into any contract with the Council for the supply of 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 purpose 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.

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Contracts for water not to disqualify.

70. All offences penalties costs and expenses under this Act or under any byelaws 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) Act 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.

Prosecution of offences.

71. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the fore-shore.

72. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

73. 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 office of the House of Lords or of the House of Commons shall be paid by the Corporation and in the first instance the Corporation may pay the same out of the borough fund but they shall be recouped by and charged to the moneys to be borrowed by the Corporation under this Act.

Costs of Act.

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SCHEDULE referred to in the foregoing Act.

PART I.

All those portions of the several townlands of Mell Moneymore Yellowbatter Greenbatter and Newtown Stalaban together with so much of the bed and shore of the River Boyne as lies between the centre of the river and the townlands of Mell and Newtown Stalaban situate in the parishes of St. Peter Drogheda and Tullyallen and baronies of Drogheda and Ferrard and county of Louth and all those portions of the several townlands of Newtown Stameen Bryanstown Lagavooren Rathmullen and the whole of the townland of Ballsgrove together with so much of the bed and shore of the River Boyne as lies between the centre of the river and the townlands of Lagavooren and Rathmullen situate in the parishes of St. Mary Drogheda Colp and Donore and barony of Lower Duleek and county of Meath as are not already included within the bounds of the existing borough but are comprised within and bounded by an imaginary line commencing at the junction of the Rathmullen Road with the lane which connects the said road with the Donore Road thence northwards in a straight line to the junction of the Slane and Collen Roads at Leonard's Cross thence north-eastwards in a straight line to the point where Bleach Lane meets the boundary stream between the townlands of Moneymore and Yellowbatter thence south-eastwards in a straight line to the north-east corner of Greenhill's Lawn and thence in a more southerly direction along the eastern fence of the said lawn to the south end thereof and continuing in a straight line in prolongation of the said fence across the road to the high-water mark on the north side of the River Boyne thence in a southerly direction in a straight line to the eastern end of the boundary of the townland of Newtown in the Dublin Road thence in a straight line westwards to the boundary between the townlands of Bryanstown and Lagavooren in Blackbush Lane at a point eighteen chains or thereabouts south of Blackbush Bridge on the Oldcastle Kells and Navan Railway thence westwards along the said townland boundary to the point where it joins the Naul Road thence westwards in a straight line to the southern angle of the western abutment of the iron railway bridge over the Platten Road thence north-westwards in a straight line to the south-west corner of the townland of Ballsgrove and thence in a north-westerly direction in a straight line to the point of commencement.

PART II.

NO. 1.—WEST GATE WARD.

Commencing at the new borough boundary on the North Road and thence in a south-easterly direction down the centre of the North Road to where it meets George's Street thence southerly along George's Street to its intersection with Fair Street thence easterly down Fair Street to its intersection with

Scholes Lane thence southerly down Scholes Lane to its intersection with West Street thence easterly down West Street to its intersection with Shop Street thence southerly down Shop Street over the bridge up the Bull Ring to its intersection with Barrack Lane thence south-westerly up Barrack Lane past the barracks to its intersection with Duleek Street thence up Duleek Street and the Beamore Road to the new borough boundary on the road to Naul near Cooley Bridge thence westerly round the borough boundary crossing the river and continuing along the boundary to the point on the North Road first named.

NO. 2.—FAIR GATE WARD.

Commencing at the new borough boundary as before and coming in a south-easterly direction down the centre of the North Road to where it meets George's Street thence southerly along George's Street to its intersection with Fair Street thence easterly down Fair Street to its intersection with Scholes Lane then southerly down Scholes Lane to its intersection with West Street thence easterly down West Street to its intersection with Peter Street thence northerly up Peter Street to where it meets the ends of William Street and Fair Street thence easterly down William Street to its intersection with Palace Street thence northerly up Palace Street to its intersection with Scarlet Street thence easterly down Scarlet Street to the new borough boundary on the Newfoundwell Road thence westerly along the borough boundary to the point first named on the North Road.

NO. 3.—ST. LAWRENCE GATE WARD.

Commencing at the West End of St. Lawrence Street where that street Peter Street West Street and Shop Street all meet thence northerly up Peter Street till it meets the ends of Fair Street and William Street thence easterly down William Street to its intersection with Palace Street thence northerly up Palace Street to its intersection with Scarlet Street thence easterly down Scarlet Street to the new borough boundary on the Newfoundwell Road thence south-easterly and southerly along the borough boundary crossing the river and continuing along the boundary to the Naul Road near Cooley Bridge thence northerly down the Beamore Road and Duleek Street along the eastern boundary of West Gate Ward to the intersection of Shop Street Lawrence Street and Peter Street being the point first named.

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