



CHAPTER cxcvi.

An Act to confer powers on the urban district council of Bangor in the county of Down for the construction of new waterworks for the extension of their gas undertaking for the regulation and control of the sea-shore and adjoining lands and for the improvement and local government of their district and for other purposes. A.D. 1905.
[11th August 1905.]

WHEREAS the district of Bangor in the county of Down (herein-after called "the district") is an urban county district within the meaning of the Local Government (Ireland) Act 1898 and is under the management and control of the urban district council of Bangor (in this Act called "the Council") and the Council are the urban sanitary authority for the district within the meaning of the Public Health (Ireland) Act 1878 :

And whereas the resident population of the district is estimated to be seven thousand during the winter and fifteen thousand during the summer and the district is resorted to by large numbers of persons daily for health and recreation :

And whereas the gross rateable value of the district amounts to twenty-nine thousand pounds and upwards :

And whereas in pursuance of the Local Government (Application of Enactments) Order 1898 under the Local Government (Ireland) Act 1898 an Order was made by the county council of the administrative county of Down on the fifth day of November one thousand nine hundred and three and duly confirmed by the Local Government Board extending the boundary of the district so as to include a portion of the townland of Ballyholme :

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And whereas by the Bangor Waterworks Provisional Order 1881 and the Bangor Waterworks Provisional Order 1892 the Council were authorised to construct certain waterworks for the supply of water to the district and have constructed the said waterworks but the supply of water therefrom is insufficient for the requirements of the district :

And whereas it is expedient that the Council be authorised to construct the waterworks in this Act described and to appropriate the waters of the streams impounded by the intended waterworks and to exercise the powers in this Act contained for preventing the pollution of any waters which the Council are authorised to take by the intended waterworks and their existing waterworks and otherwise for the protection of the waterworks of the Council :

And whereas in pursuance of powers conferred upon them by the Bangor Gas Order 1882 the Council have constructed gasworks and supply gas throughout the district and it is expedient that the Council be authorised to extend the said gasworks :

And whereas it is expedient and will be for the public and local advantage that the limits within which the Council may supply gas be extended as herein-after authorised :

And whereas it is expedient that the Council be authorised to construct the street widening and improvements herein-after described :

And whereas in pursuance of an order of the High Court of Chancery in Ireland dated the nineteenth day of February one thousand eight hundred and seventy-two and made in the matter of the estates settled by the will of the late Right Honourable Edward Southwell Viscount Bangor certain lands situate in the district and adjoining the sea and designated "the Slopes" were by an indenture dated the third day of December one thousand eight hundred and seventy-two conveyed to trustees named in the said indenture upon trust to be laid out as a permanent garden or esplanade :

And whereas it is expedient and would be for the public and local advantage that the said trustees be authorised to convey the said Slopes to the Council and that the Council be authorised to hold maintain and improve the said Slopes for public recreation and enjoyment as in this Act provided and that the said trustees or the survivors or survivor of them should be discharged from

all obligation under the said order of the High Court of Chancery and the said indenture with respect to the said Slopes : A.D. 1905.

And whereas it is expedient that the Council be empowered to acquire certain other lands within the district adjoining the sea being a continuation of the said Slopes and to expend the sums herein-after mentioned in laying out the said Slopes and lands for the purposes of public recreation and in providing music and other public entertainments :

And whereas it is expedient to confirm the agreement with respect to the said Slopes and lands set forth in the schedule to this Act :

And whereas it is expedient that further powers should be conferred upon the Council for the preservation of health good government and improvement of the district :

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

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

	£
For the reservoir and aqueducts or lines of pipes	- 20000
For the cost of distributing mains in the district of the Council	- 2000
For the extension of the gasworks	- 7000
For street improvements	- 1125
For the acquisition and improvement of lands adjoining the sea and the erection furnishing and equipping of pavilions bandstands shelters and other buildings	- 1000
For providing a storeyard or dépôt	- 500

And whereas the works included in such estimates are permanent works within the meaning of section 238 of the Public Health (Ireland) Act 1878 and it is expedient that the cost thereof should be spread over a term of years :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of

A.D. 1905. the Council at a meeting held on the eighteenth day of October one thousand nine hundred and four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the North Down Herald a newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Council should promote the Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the funds rates rents and revenues of the district under the control of the Council :

And whereas such resolution was twice published in the said North Down Herald viz. on the twenty-first and twenty-eighth days of October one thousand nine hundred and four and has received the approval of the Local Government Board for Ireland :

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

A.D. 1905.

PRELIMINARY.

1. This Act may be cited as the Bangor (County Down) Water and Improvement Act 1905. Short title.

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

Act divided into Parts.

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Gas.
- Part IV.—Street Improvement.
- Part V.—Recreation Ground and Seashore.
- Part VI.—Hackney Carriages.
- Part VII.—Street Traffic.
- Part VIII.—Lands.
- Part IX.—Street and Building Regulations.
- Part X.—Sanitary.
- Part XI.—Financial and Rating.
- Part XII.—Miscellaneous.

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

The Lands Clauses Acts as defined by the Public Health (Ireland) Act 1878 and as amended by this Act ;

The Waterworks Clauses Act 1847 (except sections 16 and 17 with respect to the construction of works for the accommodation of lands adjoining the waterworks and sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts) but that Act shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted from section 44 ;

The Waterworks Clauses Act 1863 ;

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

The Gasworks Clauses Act 1847 (except sections 30 to 38 with respect to profits of the company and sections 45 and 46) provided that section 13 of the said Act shall be read as if the words "or any premises" were inserted after the words "private building";

The Gasworks Clauses Act 1871 (except sections 24 and 27 and sections 29 and 35 and Schedule B).

Interpreta-
tion.

4. 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 construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Council;

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

"Centre of the railway" means with respect to the reservoir by this Act authorised to be constructed the boundaries of that reservoir;

And in this Act unless the context otherwise requires—

"The district" means the urban district of Bangor;

"The district fund" and "the district rate" mean respectively the district fund and the rate raised by the Council under the powers of the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Act 1878 as extended by any other Act;

"The Council" means the urban district council of Bangor;

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

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

“ Drainage area ” means any area or areas within which the waters which the Council are authorised to impound or take arise and flow ; A.D. 1905.
—

“ The seashore ” means the seashore foreshore and all the beach and sands within the district for the time being vested in or leased to the Council ;

Words and expressions to which meanings are assigned by the Public Health (Ireland) Act 1878 or by the Local Government (Ireland) Act 1898 have in this Act the same respective meanings.

PART II.

WATER.

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

No. 1 A storage reservoir to be formed by constructing an embankment across the stream herein-after described in the townland of Ballysallagh Major in the rural district of Newtownards commencing at a point four hundred and seven yards or thereabouts south of the south-west corner of the dwelling-house occupied by John Wright in the said townland and extending in a northerly direction for a distance of three hundred and twenty-nine yards or thereabouts thence extending in a north-west-by-westerly direction for a distance of two hundred and seventy-five yards or thereabouts thence in a south-westerly direction for a distance of ten yards or thereabouts and terminating at a point or place two hundred and ninety-three yards or thereabouts west of the south-west corner of the said dwelling-house :

No. 2 A filter basin measuring twenty yards by twenty yards or thereabouts and having its east angle seventy-eight yards or thereabouts west of the south-west corner of the said dwelling-house :

No. 3 A filter basin measuring twenty yards by twenty yards or thereabouts and having its east angle ninety-eight yards

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or thereabouts west of the south-west corner of the said dwelling-house :

No. 4 A filter basin measuring twenty yards by twenty yards or thereabouts and having its east angle one hundred and twenty-one yards or thereabouts west of the south-west corner of the said dwelling-house :

No. 5 A clear water tank measuring thirty yards by thirty yards or thereabouts and having its south angle ninety-four yards or thereabouts west of the south-west corner of the said dwelling-house :

No. 6 An approach road commencing at a point or place one hundred and fifty-six yards north-west-by-west of the south-west corner of the said dwelling-house and extending in a northerly direction for forty-three yards or thereabouts thence extending in an easterly direction for eighty-six yards or thereabouts thence extending in a north-east-by-easterly direction for one hundred and sixty-six yards or thereabouts thence extending in an easterly direction for seventy-nine yards or thereabouts and terminating by a junction with the public road which passes to the eastward of the dwelling-house occupied by John Wright through the townland of Ballysallagh Major herein-before referred to two hundred and seventy-three yards or thereabouts north-east of the south-west corner of the dwelling-house above described :

No. 7 A conduit or line or lines of pipes commencing at or near the north angle of the said intended clear water tank No. 5 before described and terminating at the western boundary of the district at the point where the said boundary is crossed by the main road from Belfast the said conduit or line of pipes extending into and through the townlands of Ballysallagh Major Ballysallagh Minor Ballymullan Ballyleidy Ballykillaire Bangor Bog Ballyvarnet Carnalea Corporation in the rural district of Newtownards in the county of Down.

Subsidiary
works.

6. The Council in addition to the waterworks in this Act described may upon any lands for the time being belonging to them make and maintain all such cuts channels adits catchwaters drains filter-beds roads approaches telegraphic and telephonic apparatus

appliances and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining repairing cleansing managing working or using the same or required for the purposes of the water undertaking of the Council. Provided that such telegraphic or telephonic apparatus shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

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

Stopping up
of footpaths
or roads.

8. In the construction of the works authorised by this Part of this Act the Council may deviate laterally to any extent not exceeding the limits of lateral 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 the Council may also deviate from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of

Power to
deviate in
construction
of water-
works.

A.D. 1905. all other works not exceeding three feet upwards and ten feet downwards Provided as follows (that is to say):—

The Council shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to acquire easements only for aqueducts.

9.—(1) The Council may in lieu of acquiring any lands for the purpose of the aqueducts conduits or lines of pipes authorised by this Act acquire such easements and rights in and over such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the aqueducts conduits or lines of pipes and may in the schedule of lands proposed to be taken under this Act deposited by the Council in pursuance of the incorporated provisions of the Housing of the Working Classes Act 1890 specify such easements and rights and describe the nature thereof and the provisions of the Lands Clauses Acts as amended by this Act with respect to the acquisition of lands otherwise than by agreement shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands taken or used by the Council for the purpose of such aqueducts conduits or lines of pipes where they are respectively laid underground the Council shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works and subject to the easements and rights acquired by the Council have the same rights of cultivating and using such lands as if such lands had not been taken or used by the Council.

Power to take waters.

10. Subject to the provisions of this Act the Council may for the purpose of their waterworks take collect use and appropriate all such streams springs and waters as can be taken or collected by any of the works authorised by this Act.

11. For the protection of Robert Gordon Sharman Crawford or other the owner for the time being of the Crawfordsburn demesne in the county of Down (in this section called "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Council have effect (that is to say):—

A.D. 1905.
For protection of Colonel Robert Gordon Sharman Crawford.

- (1) The Council shall not at any time take into the reservoir or works by this Act authorised more than three-tenths of the total quantity of water at any time flowing down the streams the waters of which are by this Act proposed to be impounded:
- (2) The Council shall construct to the reasonable satisfaction of the owner such works as may be necessary for admitting the said proportion of three-tenths into the said reservoir or works and permitting the remainder to flow down the stream:
- (3) The quantity of water representing the said proportion of seven-tenths shall not at any time be reduced below eighty-four thousand gallons per day of twenty-four hours:
- (4) If any difference shall arise between the owner and the Council under the provisions of this section the same shall be referred to and determined by an engineer to be appointed on the application of either party by the Local Government Board and the cost of any such arbitration shall be paid by the Council:
- (5) Nothing in this section shall limit or affect the right of the owner to claim compensation under the provisions of the Waterworks Clauses Act 1847 in respect of any damage or injury which may be caused to him under the provisions of this Part of this Act and the cost of ascertaining such compensation shall be paid by the Council.

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

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

A.D. 1905. shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference in manner provided by this Act with reference to the acquisition of lands otherwise than by agreement.

Discharge of water used for sand washing.

13. The Council may discharge water used for sand washing into any stream flowing out of the reservoir by this Act authorised :

Provided that the Council shall pay full compensation to the owner or occupier or other parties interested in any such streams for any injury caused to such owner occupier or other party in the exercise of the powers of this section and such compensation shall in case of difference be settled in manner provided by the section of this Act whereof the marginal note is " Compensation how to be determined."

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

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

Power to hold lands for protection of waterworks.

15. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Byelaws for preventing pollution of water.

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

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

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

(4) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of sections 216 to 218 (both inclusive) of the Public Health (Ireland) Act 1878 which sections shall apply to every such arbitration.

17. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoir and works.

Power to agree as to drainage of lands &c.

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

Reservation of water rights &c. on sale.

19. Subject to the provisions of this Act and the Acts relating to the waterworks undertaking of the Council the Council may in connexion with their waterworks make lay down maintain use extend alter renew relay replace and enlarge embankments dams weirs channels sluices drains culverts cuts accesses filter beds filtering and aërating apparatus tanks cisterns meters main

Power to maintain and extend existing water-works.

A.D. 1905. and distributing pipes houses buildings and other works and conveniences from time to time in use or required for preventing the pollution of and for purifying conveying and distributing water or otherwise for the purposes of the waterworks undertaking of the Council and all such works shall form part of the waterworks undertaking of the Council Provided always that the powers of this section shall be exercised only on lands or property belonging to the Council or which may be acquired by them by agreement or over which they have rights or easements or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open or break up for such purposes.

Limit of pressure.

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

Council not bound to supply several houses by one pipe.

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

Notice of discontinuance.

22. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Entry on premises to cut off pipes after notice given.

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

24.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

A.D. 1905.
Byelaws for
preventing
waste &c. of
water.

(2) Such byelaws shall apply only in the case of premises to which the Council 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 Council may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings 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 recoverable by the Council as the water rates in respect of the premises are recoverable.

25.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to
houses partly
used for
trade &c.

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

A.D. 1905.
Power to
sell or let
meters &c.

26. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Power to
supply ma-
terials.

27. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

Notice to
Council of
connecting
or discon-
necting
meters.

28. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring
meters &c.

29. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument

for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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30. The Council may on the application of the owner or occupier of any premises within the district abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Power to lay pipes in streets not dedicated to public use.

31. The works by this Part of this Act authorised shall for all purposes be deemed to be part of the waterworks undertaking of the Council and the provisions of this Part of this Act shall apply to the whole of the water undertaking of the Council.

New works to be part of waterworks undertaking.

PART III.

GAS.

32. Subject to the provisions of this Act the Council may upon the lands mentioned in this section erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of supply of the Council and may make store and

Extension of gasworks.

A.D. 1905. supply gas accordingly and may manufacture sell provide supply
— and deal in coke tar and all other products or residuum of any
materials employed in or resulting from the manufacture of gas.

The lands herein-before referred to are—

Certain lands in the district situate between Hamilton Road
and Bridge Street and lying to the eastward of Main
Street and to the south-west of Ballymagee Street.

Extension of
limits for
supply of
gas.

33. From and after the passing of this Act the limits of
supply of the Council for the supply of gas shall be extended
so as to include so much of the rural district of Newtownards
as lies within three miles of the boundary of the district and the
Council shall have and may exercise within the limits of supply
as so extended all such and the like powers rights privileges and
authorities and shall be subject to all and the like duties liabilities
and obligations in respect thereof as they now have and are subject
to within the limits of supply of the Bangor Gas Order 1882
Provided that the Council shall not exercise any of the powers
conferred upon them by this section in any part of the rural
district of Newtownards without the previous consent of the rural
district council of Newtownards to be signified in writing under
the hand of the clerk to the said rural district council which
consent the said rural district council are hereby authorised to
give.

Dwelling-
houses for
men em-
ployed on
gas under-
taking.

34. The Council may upon any lands for the time being
acquired by or leased to them for the purposes of their gas under-
taking erect fit up maintain and let houses cottages and buildings
for the officers and servants employed by the Council in connexion
with such undertaking.

Power to
supply gas
fittings &c.
for heating
and other
purposes and
not to be
subject to
distress.

35.—(1) The Council may sell let for hire or otherwise deal
in fix repair and remove but shall not manufacture engines stoves
ranges pipes and other fittings for lighting for motive power for
the warming and ventilating of houses and buildings for the
cooking of food and for all other purposes for which gas can or
may be used (in this section referred to as "fittings") and may
provide all materials and do all work necessary or proper in that
behalf and with respect thereto may demand and take such
remuneration or rents and charges and make such terms and
conditions as may be agreed upon between the Council and the
persons to or for whom the fittings are sold let fixed repaired
or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

A.D. 1905.

36. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council.

No penalty in case of unavoidable cause.

37. At least twenty-four hours notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on or contained in every demand note for gas rent payable to the Council.

Consumers to give notice to Council before removing.

38. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Notice to discontinue supply of gas.

39. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other property.

40. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said

Period of error in defective meters.

A.D. 1905. Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Council.

New works to be part of gasworks undertaking.

41. The works by this Part of this Act authorised shall be deemed to be part of the gas undertaking of the Council and the provisions of this Part of this Act shall apply to the whole of the gas undertaking of the Council.

PART IV.

STREET IMPROVEMENT.

Power to make street widening.

42. Subject to the provisions of this Act the Council may in the lines and according to the levels shown on the deposited plans and sections relating thereto make and maintain the street widening herein-after described with all proper works and conveniences connected therewith and may exercise the powers herein-after mentioned (that is to say) :—

A widening and improvement of Abbey Street on the east side thereof in the urban district of Bangor nearly opposite the railway station commencing at a point one hundred and ninety-three yards or thereabouts south-west of the south-east corner of the south-west boundary wall of Catharine Place (otherwise known as Dufferin Avenue) near the intersection of the said Catharine Place with Abbey Street and thence extending in a north-easterly direction for a distance of two hundred and forty-seven yards or thereabouts and terminating at a point fifty-eight yards or thereabouts north-east of the south-east corner of the south-west boundary wall of Catharine Place above described. The lands proposed to be acquired for such widening are situate in the townland of corporation of Bangor parish of Bangor urban district of Bangor and county of Down.

Power to deviate.

43. In constructing the works by this Part of this Act authorised the Council may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown

on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet. A.D. 1905.

44. If the works by this Part of this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Time for completion of works.

45. The Council may in connexion with the formation of the street widening and as part of the works which the Council are by this Part of this Act authorised to carry out remove alter divert stop up or use all or any part of any sewer drain pipes tubes wires apparatus or other things as may be necessary for such purposes the Council providing a proper temporary substitute before interrupting the flow of water gas sewage or telegraphic or telephonic communication in any such sewer drain pipe tube wire or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the Council shall not remove alter divert or stop up or in any way interfere with any pipes tubes wires or apparatus or other things belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. Power to Council to make subsidiary works.

46. For the protection of the Right Honourable Matilda Catherine Baroness Clanmorris or other the owner for the time being of the Bangor Castle demesne (in this section called "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Council have effect (that is to say):— For protection of Baroness Clanmorris.

- (1) The Council shall not under the provisions of this Act seek to acquire or take any portion of the land forming part of Bangor Castle demesne except the portion which is shown hatched red on the plan signed in duplicate by the Right Honourable Henry de Vere Baron Barnard Chairman of the Select Committee of the House of Lords to whom the Bill for this Act was referred one copy of which plan has been deposited in the Office of the Clerk of the Parliaments and the other copy in the Private Bill Office of the House of Commons:

A.D. 1905.

(2) The Council shall after acquiring and taking the land mentioned in the preceding subsection hereof re-erect the demesne wall and the existing town portal upon the new boundary line shown on the said plan and shall restore and make good the said wall and portal to the reasonable satisfaction of the owner and to the like satisfaction shall not remove any of the existing trees on the land acquired by them as aforesaid where the same can without disadvantage to the widened street and footpath thereof be left standing and shall also at their own cost and in accordance with the reasonable requirements of the owner plant quick-growing trees in place of any existing trees removed by them so as to effectually screen any buildings on the western side of the widened street from view within the demesne :

(3) Any difference which may arise under this section between the Council and the owner shall be referred to and determined by Luke Livingstone Macassey whom failing an arbitrator appointed by the Local Government Board.

PART V.

RECREATION GROUND AND SEASHORE.

Land for
recreation
ground.

47. The Council may acquire the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say) :—

Certain lands or slopes (herein-after called "the Slopes") within the district adjoining or near to the seashore situate to the north-east and to the north of other lands fronting to Princetown Road and Maxwell Road sloping down towards the sea :

And the Council may lay out improve maintain and manage the Slopes as recreation grounds and may exercise with respect to the Slopes all the powers conferred upon the Council by the Open Spaces Acts 1877 to 1890 the Local Government (Ireland) Act 1898 and this Act with respect to recreation grounds and by the Public Parks (Ireland) Act 1869 with respect to public parks :

[5 Edw. 7.] *Bangor (County Down) Water and* [Ch. cxcvi.]
Improvement Act, 1905.

Provided that nothing in this Act shall authorise the Council to acquire otherwise than by agreement the lands numbered on the deposited plans 6 in the townland of corporation of Bangor in the district. A.D. 1905.

48. Nothing in this Act shall authorise the Council to acquire otherwise than by agreement that part of the lands numbered on the deposited plans 2 and 6A in the townland of corporation of Bangor in the district adjoining the sea belonging or reputed to belong to Joshua Valentine Eves and shown upon the plan signed in duplicate by the Right Honourable Henry de Vere Baron Barnard Chairman of the Select Committee of the House of Lords to whom the Bill for this Act was referred one copy of which plan has been deposited in the Office of the Clerk of the Parliaments and the other copy in the Private Bill Office of the House of Commons. For protection of Joshua Valentine Eves.

49. Notwithstanding anything contained in the herein-before recited order of the High Court of Chancery in Ireland dated the nineteenth day of February one thousand eight hundred and seventy-two in the matter of the settled estates of the late Right Honourable Edward Southwell Viscount Bangor and the herein-before recited indenture dated the third day of December one thousand eight hundred and seventy-two the trustees appointed by the said indenture or their survivors or survivor may convey to the Council for the purposes of this Part of this Act so much of the Slopes as is comprised in the said order and conveyed by the said indenture freed and discharged from all the trusts and restrictions directed and created by the said order and the said indenture respectively with respect to the said portion of the Slopes and when the said trustees survivors or survivor have executed such conveyance as aforesaid they shall be by virtue of this Act discharged from all obligations with respect to the said portion of the Slopes arising under the said order and indenture. Bangor trustees may convey the Slopes.

50. The agreement dated the sixth day of May one thousand nine hundred and five and made between the Right Honourable Henry William Crosbie Viscount Bangor of the first part the Honourable Somerset Richard Hamilton Augusta Ward of the second part and the Council of the third part as set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively. Confirming scheduled agreement as to the Slopes.

A.D. 1905.

Saving
rights of way
and sewerage
across the
Slopes.

51. Nothing in this Act shall authorise the Council to acquire or interfere with otherwise than by agreement any right of way or right to lay down drain or sewer pipes to the sea across the Slopes granted to and exercised by the owner or lessee of any lands adjoining the Slopes before the passing of this Act. Provided that the Council may in the exercise of the powers of this Act stop up and divert either temporarily or permanently any drain or sewer pipe laid down as aforesaid providing a proper substitute for such sewer or drain before interrupting the flow of water or sewage and making full compensation to any such owner or lessee for any injury caused by such stoppage or diversion. Provided further that nothing in this section shall diminish or prejudice the powers of the Council as sanitary authority for the district with respect to the sewerage and drainage of the district.

Saving access
to sea across
the Slopes.

52. The Council shall not in the exercise of the powers of this Act do anything to interfere with the easy and convenient access across the Slopes to and from the sea of the inhabitants of the houses abutting on the Slopes.

For protec-
tion of owner
of Sea Court.

53. For the protection of Samuel Cleland Davidson or other the owner for the time being of the house and lands known as Sea Court in this section referred to as "the owner" be it enacted that the right of access to and from the sea by this Act reserved to the inhabitants of the houses abutting on the Slopes shall extend to and may be exercised by the owner in respect of any roads or openings hereafter made by the owner in the wall or fence which divides the said house and lands from the Slopes. And be it further enacted that upon and over the strip of land lying between the said wall or fence and the roadway or footway which runs between the lands of the owner and the sea the owner shall have the right to place steps or conveniences leading from any door or doors which the owner may open in the said wall or fence to the said roadway or footway and the said owner shall also have the right to enter upon the said strip of land for the purpose of rebuilding or repairing the said wall or fence and the right to build or place upon said strip of land such abutments or supports as the owner may from time to time deem necessary or desirable for the support of said wall or fence.

54. The Council may upon any seashore and lands adjacent thereto now belonging to them or which they may hereafter acquire construct promenades and any groynes or sea defences in connexion therewith and may take for that purpose from the seashore rock stone shell gravel and sand and may lay out any such promenades in such way as they may think desirable for the benefit of the inhabitants of the district.

A.D. 1905.
Power to lay out promenades on seashore.

55. The Council may erect and maintain bandstands in and on any recreation ground belonging to them and on the promenades and seashore and the Council may pay or contribute towards the payment of public bands of music for the district provided that the amount of such payments or contributions does not in any one local financial year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the district rate. The Council may in any recreation ground and on the seashore or other public place inclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payment to be made for admission within the said inclosure and for securing good and orderly conduct during the playing of the band. Provided always that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of three-fourths of the whole number of the Council at a meeting of the Council held after seven clear days notice of such meeting and of the intention to propose such resolution.

Power to construct bandstands and to contribute towards bands.

56. The Council may place or authorise any person or persons to place seats or chairs in any street recreation ground or other public place and on the promenades and seashore for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Seats and chairs may be provided.

57. The Council may in any recreation ground belonging to them and on the Slopes erect provide maintain furnish and equip refreshment assembly and reading rooms baths shelters pavilions and other buildings which may be required or convenient for the public and may charge for admission to such reading rooms assembly rooms pavilions and other buildings or any of them or in respect of the use thereof or of any part or parts thereof

Council may provide pavilions &c.

A.D. 1905. — respectively Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to let pavilions for entertainments.

58. The Council may let for any period not exceeding seven years upon such terms and conditions as they think fit any pavilions assembly rooms baths or other buildings for the time being belonging to them or under their control for the provision or carrying on of suitable entertainments exhibitions and amusements or may let the same for particular entertainments or exhibitions or for meetings.

Power to set apart portions of recreation grounds for games.

59. The Council may set apart any portion of any recreation ground for cricket football tennis and other games for athletic sports or for the purposes of the delivery of speeches or the holding of concerts or meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association for a period not exceeding three months but so that the same shall be open to the public when not in use for such games or other purposes and the Council may make byelaws with respect to the use of any portions of a recreation ground so set apart.

Power to provide apparatus for games.

60. The Council may provide apparatus for games and recreation for the use of the public frequenting any recreation grounds belonging to the Council and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

Byelaws as to seashore and promenades.

61. The Council may make and enforce byelaws for the prevention of danger obstruction nuisance or annoyance to persons using the seashore and the promenades adjacent thereto or any parts thereof respectively and in particular may by such byelaws—

- (1) Regulate the erection or placing on the seashore and the promenades adjacent thereto or on such part or parts thereof as may be prescribed by such byelaws (all of which places are in this section included in the words "the seashore and the promenades") of any

booths tents sheds stands and stalls (whether fixed or movable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons and the playing of any games on the seashore and promenades and generally regulate the user of the seashore and promenades for such purposes as shall be prescribed by such byelaws ;

- (2) Regulate the selling and hawking of any article commodity or thing on the seashore and promenades ;
- (3) Regulate the user of the seashore and promenades for riding and driving ;
- (4) Provide for the preservation of order and good conduct among persons frequenting the seashore and promenades :

Provided that any byelaws made in pursuance of this section shall not apply to any part of the seashore or promenades which is not vested in the Council except with the consent of the owner or owners of such part of the seashore or promenades.

62. Every part of the seashore within the district (whether or not vested in or leased to the Council) shall be deemed to be a street for the purposes of so much of section 72 of the Towns Improvement (Ireland) Act 1854 and section 30 of the Licensing (Ireland) Act 1874 as relates to the following offences :—

Seashore to be deemed a street for certain purposes.

Every person who suffers to be at large any unmuzzled ferocious dog or sets on or urges any dog or other animal to attack worry or put in fear any person or animal ;

Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution or being otherwise offensive ;

Every person who wilfully and indecently exposes his person or who commits any act contrary to public decency ;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad ;

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire ;

A.D. 1905.

Every person who throws or lays any dirt litter or ashes or night soil or any carrion fish offal or rubbish on any street ;
Every person drunk or guilty of any riotous disorderly or indecent behaviour.

Byelaws as to bathing.

63. The Council may make byelaws—

- (1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;
- (2) For the preservation of decency and order at public bathing-places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;
- (3) For regulating the hours during which bathing may take place from public bathing-places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and
- (4) For prescribing the use of decent and sufficient bathing garments.

For protection of bathers.

64. The Council may require the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and may prescribe the qualification of such boatmen and attendants and the Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

Regulation of tents and huts for bathing or shelter.

65. Section 77 of the Towns Improvement (Ireland) Act 1854 shall so far as applicable extend and apply to cabins or tents for bathing or shelter within the district and the Council may erect or place rafts or stages for the use of bathers on the seashore or in the sea within a distance of four hundred yards from high-water mark.

Power to license pleasure boats.

66.—(1) The Council may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge a fee not exceeding one shilling for every such licence.

(2) Any such licence may be granted for such period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend revoke or endorse the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed.

(4) No person shall act as boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Council as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel.

(6) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry and every such boat or vessel licensed as a sailing boat or vessel shall carry not less than two lifebuoys. Provided that the Council may require any sailing boat or vessel licensed for more than five passengers to carry more than two lifebuoys or other buoyant apparatus in proportion to the number of passengers specified in the licence.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding two pounds.

(8) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to the petty sessional court held for the district after the expiration of two clear days after such grant withholding suspension revocation or

A.D. 1905. — endorsement Provided that the person so aggrieved shall give forty-eight hours written notice of such appeal and the ground thereof to the clerk and the court shall have power to make such order as they see fit and to award costs to the successful party such costs to be recoverable summarily as a civil debt.

Weather signals.

67. The Council may erect and maintain at any suitable places on the seashore or promenades or lands of the Council adjacent to the seashore flagstuffs or lamp-posts on which may be exhibited from time to time during tempestuous weather signal flags or lamps indicating whether or not it is safe for licensed pleasure boats to put to sea lamps indicating suitable landing places for fishing and other boats and stands or frames for meteorological instruments and weather charts Provided that no such flagstaff or lamp-post lamp stand or frame shall be erected or maintained upon any foreshore without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the said Board Provided further that any signal flags or lamps exhibited by the Council shall be subject to the approval of the Commissioners of Irish Lights.

Power to appoint officers.

68. The Council may appoint and pay officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder.

Expenses and application of moneys under this Part of Act.

69. All expenses incurred by the Council in the exercise of the powers of this Part of this Act shall be paid out of the district fund and district rate and any moneys received by the Council in connexion with the execution of the purposes of this Part of this Act shall subject to payment of the expenses incidental to the execution of the said purposes be carried to the credit of the district fund.

Saving rights under Bangor Harbour Orders.

70. Nothing in this Part of this Act shall prejudice diminish alter or affect the rights privileges and powers of the undertakers under the Bangor Harbour Orders 1863 1891 and 1894.

PART VI.

HACKNEY CARRIAGES.

As to omnibuses.

71. The provisions of the Towns Improvement (Ireland) Act 1854 with respect to hackney carriages and the drivers thereof except section 78 (What to be deemed hackney carriages) shall so

far as the same are applicable for the purposes of that Act and of this Act be deemed to extend and apply to omnibuses charabancs wagonettes brakes stage coaches and other carriages plying or standing for hire by or used to carry passengers which for the purposes of that Act and of this Act shall be deemed to be hackney carriages accordingly.

A.D. 1905.

72. The Council may make byelaws fixing the rates or fares as well for time as distance to be paid for hackney carriages plying for hire for the carriage of passengers within the district and going without and returning to the district for any distance not exceeding seven miles from the Bangor Railway Station in the district and the sections of the Towns Improvement (Ireland) Act 1854 with respect to hackney carriages shall for the purposes of this Act be read and have effect as if the extended distance herein authorised for fixing the said rates or fares had been therein inserted:

Rates for
hackney
carriages
plying in
district and
for a certain
distance out-
side.

Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the district. Provided also that if the hiring takes place within the district any offence against any such byelaw whether such offence shall have been committed within the district or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the district:

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or the drivers or conductors of such vehicles.

73. Any person appointed by the Council in writing may examine all hackney carriages plying for hire within the district and may see that the laws and byelaws relating to hackney carriages are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Powers of
inspectors of
public
vehicles.

74. The provisions of the Towns Improvement (Ireland) Act 1854 and the byelaws of the Council for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages within the district conveying

Public vehi-
cles taken
at railway
stations.

A.D. 1905. — passengers to or from any railway station within the district as if such railway station were a public stand for hackney carriages. Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Occasional licences may be granted.

75. An occasional licence for a hackney carriage may be granted by the Council to be in force for such day or days or other period less than one year as may be specified in the licence.

PART VII.

STREET TRAFFIC.

Street traffic. **76.** Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty of not more than forty shillings.

Byelaws as to traffic.

77. The Council may make byelaws for regulating the speed of vehicular traffic during specified hours on all streets adjoining the seashore.

PART VIII.

LANDS.

Council may take lands.

78. Subject to the provisions of this Act the Council may for the purposes of this Act enter upon take and use all or any of the lands delineated on the deposited plans within the limits of deviation and described in the deposited book of reference.

Acquisition of lands otherwise than by agreement.

79. For the purpose of taking lands and waters compulsorily under this Act and the Acts incorporated therewith and of determining the amount of compensation payable by the Council for the same the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be amended by the provisions contained in the Second Schedule of the Housing of the Working Classes Act 1890 and in construing the said Act of 1890 for the purposes of this Act "the local authority" shall mean the Council and "the confirming Act" shall mean this Act and "the confirming authority" shall mean the Local Government Board.

80. In the event of any difference arising between the Council and the owner lessee or occupier of any lands taken under the compulsory powers of this Act or injuriously affected by the construction of the works authorised by this Act the arbitrator appointed in pursuance of the last preceding section under the provisions contained in the Second Schedule of the Housing of the Working Classes Act 1890 may inquire and determine what works shall be made and maintained by the Council for the accommodation of such lands or may award a sum or sums of money to be paid to such owner lessee or occupier instead of requiring the Council to construct or maintain such accommodation works.

A.D. 1905.
Arbitrator
may award
accommoda-
tion works.

81. If the Council shall for fourteen days after the time appointed by the arbitrator for the beginning of any such accommodation works fail to begin such works or having begun such works fail diligently to execute the same in a sufficient manner the person aggrieved by such failure may execute such works or repairs and the reasonable expenses thereof shall on demand be repaid by the Council and if there be any dispute about the amount or nature of such expenses the same shall be settled by the arbitrator.

Provision for
securing
completion of
accommoda-
tion works.

82. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands on the deposited plans or specified in the deposited book of reference the Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting in and for the county of Down for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Down and a duplicate thereof shall also be deposited with the clerk of the district council in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the district council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it

Errors and
omissions in
plans &c.
may be cor-
rected by
justices.

A.D. 1905. shall be lawful for the Council to take the lands and execute the works in accordance with such certificate. A copy of or extract from such certificate purporting to be under the hand of the clerk of the peace for the county of Down shall be sufficient evidence of such correction.

Persons under disability may grant easements &c.

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

Period for compulsory purchase of lands.

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

Power to hold sell &c. lands.

85. Section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands acquired by the Council under the powers of this Act but the Council may sell lease and dispose of or may with the consent of the Local Government Board appropriate to any public purpose any lands acquired by them under the powers of this Act and not for the time being required for the purposes thereof.

Power to appropriate lands for purposes of Act.

86. The Council may with the consent of the Local Government Board and subject to such conditions as that Board may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them which are not wanted for the purpose for which such lands were originally acquired but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the section of this Act of which the marginal note is "Extension of gasworks."

Restriction on taking houses of working class.

87. The Council shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were occupied either

wholly or partially by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 1905.

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

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means 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 in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART IX.

STREET AND BUILDING REGULATIONS.

88. The Council may from time to time prescribe the frontage line of buildings to be thereafter observed in any street in the district and any building in such street shall thereafter be erected only in conformity with the line so prescribed and if in any street in which the Council shall have paid in respect of the setting back of any building compensation for any loss or damage they shall require all or any part of the land between the line so prescribed and the street to be added to the street and if the owner and any other person interested in such land sustains any loss or damage by reason thereof the Council shall make compensation in respect thereof. Council may
prescribe
line of build-
ings in street.

89. The Council may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out Preventing
formation of
cul-de-sac.

A.D. 1905. — and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it would be unreasonable or impracticable for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Continuation of existing streets to be deemed new streets.

90. Every continuation of an existing street shall for the purposes of the Public Health (Ireland) Acts 1878 to 1896 and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

Erection of buildings to greater height than adjoining buildings.

91. In case any building is after the passing of this Act erected or raised to a greater height than that of any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised. Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to temporary and movable buildings.

92.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Council shall within one month after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Council may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval of the Council or before the expiration of one month without such approval or is in any respect not in conformity with any condition attached by the Council to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Council or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty not exceeding the like amount and the Council may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion.

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(5) The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the district in respect to new buildings and any tent not remaining for more than seven days;

(B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Council may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion ; and

(c) Any wooden or other structure or erection erected or set up for the purpose of protecting or preventing the acquisition of right of light.

93. Where a temporary or other building referred to in the last preceding section is taken down or removed by the Council

owner to sell materials of temporary buildings.

A.D. 1905. under the powers of this Part of this Act the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and any penalty and costs adjudged to be paid by the owner of such building or the land whereon the same stood and shall pay the balance thereof to the owner of such building.

Provision as to hoardings and other structures used for advertising purposes.

94.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Council may determine.

(3) The owner or other person using any hoarding wall or other 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 and in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

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

(5) Any consent or condition given or made under this section may be under the hand of the clerk or surveyor.

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Council is notified to him in writing under the hand of the clerk provided he gives forty-eight hours written notice of such appeal and the grounds

thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable summarily as a civil debt. A.D. 1905.

95. The Council may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Council in pursuance of any enactment for the time being in force in the district or of any byelaw thereunder. Retention of plans deposited with Council.

96. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway. Exemption of railway companies.

PART X.

SANITARY.

97. For the purposes of the Public Health (Ireland) Act 1878— Eularging definition of nuisances.

- (A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health;
- (B) Any gutter drain shoot stack-pipe or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building;
- (C) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health;

shall be deemed to be a nuisance within the meaning of the said Act of 1878.

98. The powers conferred by section 51 of the Public Health (Ireland) Act 1878 upon the Council to empower any sanitary officer to enter premises for the purposes therein mentioned shall extend to authorise the Council if on the report of any of their sanitary officers it shall appear that they have reason to suspect that any drain watercloset earthcloset privy ashpit or cesspool is Extension of section 51 of Public Health (Ireland) Act 1878.

[Ch. cxcvi.] *Bangor (County Down) Water and Improvement Act, 1905.* [5 EDW. 7.]

A.D. 1905. — in a condition in which it is a nuisance or injurious to health or likely to become so to empower any sanitary officer after twenty-four hours notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

Urinals to be attached to inns &c.

99. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto in a convenient and suitable position the Council may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises a reasonably sufficient urinal or urinals which shall be supplied with water Any person who fails within a reasonable time to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Public conveniences and lavatories.

100. The powers of the Council under section 49 of the Public Health (Ireland) Act 1878 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences and lavatories in or under any recreation ground belonging to them or in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any such sanitary conveniences (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think fit.

Penalty where chimneys are on fire.

101. If the chimney of any house or other building within the district is on fire the occupier of such house or building shall be liable to a penalty not exceeding ten shillings but if such occupier proves that he has incurred such penalty by reason of the neglect or wilful default of any other person he may recover summarily from such person the whole or any part of the penalty he may have incurred as occupier.

PART XI.

A.D. 1905.

FINANCIAL AND RATING.

102. The Council may independently of any moneys they have already borrowed or which they may be authorised to borrow under the provisions of any other Act borrow on interest on the security of the district fund or district rate and for the following purposes any sums not exceeding the following sums (that is to say) :—

Power to
borrow.

- (1) For the construction of the reservoir aqueducts mains and other works by this Act authorised the sum of twenty thousand pounds;
- (2) For the laying of subsidiary water mains and pipes the sum of two thousand pounds;
- (3) For the construction of works and laying of mains for the supply of sea water such sum as the Local Government Board may sanction;
- (4) For the purposes of the gas undertaking of the Council the sum of seven thousand pounds;
- (5) For the purpose of the street improvement works by this Act authorised the sum of eleven hundred and twenty-five pounds;
- (6) For the purpose of constructing promenades and otherwise in the execution of the powers conferred by Part V. of this Act the sum of one thousand pounds;
- (7) For the purpose of providing a storeyard as by this Act authorised the sum of five hundred pounds;
- (8) For paying the taxed costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys not exceeding ten thousand pounds in the whole as the Council may require for any of the purposes of this Act :

And in calculating the sum the Council may borrow under any other enactment any sums they may borrow for the purposes (1) to (4) in this section mentioned shall not be reckoned and the powers of the Council as to borrowing and re-borrowing for the said purposes shall not be restricted by any of the provisions of the Public Health (Ireland) Act 1878.

A.D. 1905.
Period for
repayment of
borrowed
moneys.

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

- (A) As to moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of borrowing the same;
- (B) As to moneys borrowed for the purposes (2) and (7) mentioned in the said section within forty years from the date or dates of borrowing the same;
- (C) As to moneys borrowed for the purposes (4) (5) and (6) mentioned in the said section within thirty years from the date or dates of borrowing the same;
- (D) As to moneys borrowed for the purpose (8) mentioned in the said section within five years from the passing of this Act;
- (E) As to moneys borrowed for the purposes (3) mentioned in the said section and as to any further moneys borrowed under the powers of the said section with the approval of the Local Government Board within such period not exceeding sixty years as the Council with the sanction of the Local Government Board determine in each case.

Mode of pay-
ment off of
money bor-
rowed.

104. The Council 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 a sinking fund.

As to sinking
fund.

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

The Council shall on or before the first day of April next following the borrowing of any moneys so to be repaid and thenceforward on or before the same day in every year appropriate and set apart out of the district fund and district rate such equal sums as will with the accumulations thereof by way of compound interest at the rate

of three pounds per centum per annum be sufficient to pay off the whole of the said borrowed moneys within the periods prescribed by this Act in respect of any such moneys :

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The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any other local authority within section 34 of the Local Loans Act 1875 or of any urban sanitary authority as defined by the Public Health (Ireland) Act 1878 but no such investment shall be made upon any securities of the Council or on securities transferable by delivery :

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

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

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

A.D. 1905.

the payment to such sinking fund of the yearly sums required to be so paid thereto;

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

Power to re-borrow.

106. If having borrowed any money under this Act the Council pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of sale of land or other property or out of fines or premiums on leases or out of other money received on capital account not being borrowed money they may re-borrow the same and so from time to time Provided that all money so re-borrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such borrowing has been made.

Provisions of Public Health Act as to mortgages to apply.

107. The following sections of the Public Health (Ireland) Act 1878 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say):—

Section 240 (Form of mortgage).

Section 241 (Register of mortgages).

Section 242 (Transfer of mortgages).

Section 243 (Receiver may be appointed in certain cases).

Priority of existing mortgages.

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

mortgage or charge granted or created under this Act on the same security. A.D. 1905.

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

110. The clerk to the Council shall within twenty-one days or at such other time as the Local Government Board may by order direct after the expiration of each local financial year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return the said clerk shall be liable to a penalty of not exceeding forty shillings a day during the continuance of the default which shall be paid to the Local Government Board and shall be 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 parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the Annual return to Local Government Board with respect to sinking fund.

A.D. 1905. moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart by the Council and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board from the High Court.

Protection of lender from inquiry.

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

Application of money borrowed.

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

Proceeds of sale of surplus lands to be treated as capital.

113. The proceeds of the sale of any surplus lands of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council and any moneys so discharged shall not be re-borrowed. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Apportionment of rates payable by occupiers.

114.—(1) When after the passing of this Act any rate has been made by the Council under the provisions of the Towns Improvement (Ireland) Act 1854 or the Public Health (Ireland) Act 1878 for a particular period and the occupier of any rateable property who is rated in respect thereof to such rate ceases to be the occupier of such property before the end of such period and has not paid such rate it shall be lawful for the Council to determine that such occupier shall be liable to a portion only of such rate payable for the whole of such period proportionate to the portion of such period during which he remained occupier and thereupon he shall notwithstanding anything in any of the said Acts be liable to pay such portion only. Provided however that the amount of such portion shall not be leviable by distress

and sale of any goods or chattels other than those of the person who has ceased to be such occupier. A.D. 1905.

(2) In case the Council shall have arrived at any such determination as aforesaid and if any other person before the end of the period for which such rate was made becomes the occupier of the property such person shall pay a portion of such rate payable for the whole of such period proportionate to the portion of such period between his becoming such occupier and the end of such period and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

(3) Subject to the provisions of this section the portions of any rate which shall become payable under this Act shall and may be collected and levied sued for and recovered by such and the same ways and means as the whole of such rate might have been collected levied sued for and recovered if this Act had not passed.

(4) This section shall not apply to any rate made by the Council under the provisions of section 229 (Power to make private improvement rates) of the Public Health (Ireland) Act 1878.

115. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for or for which such express provision is insufficient shall be defrayed as expenses under the Public Health (Ireland) Act 1878. Expenses of execution of Act.

PART XII.

MISCELLANEOUS.

116.—(1) The Council may on any lands acquired by them for the purposes of this section and on any lands belonging to the Council and appropriated with the consent of the Local Government Board to such purposes and on the bed of the sea erect maintain work and use a pumping station or stations with all necessary engines machinery works buildings and conveniences for pumping water from the sea and may construct lay down and maintain in and along the seashore and streets in the district such mains pipes and works as may be necessary or convenient for the conveyance use or supply of sea-water and may use and supply such water for all purposes. Sea-water supply.

A.D. 1905.

(2) Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purposes of this section break up any streets in the district but they shall not under the powers of this section enter upon any lands not vested in them except with the consent of the owners and other persons interested in such lands.

(3) No works for the supply of sea-water under this section shall be constructed except with the sanction of the Local Government Board.

(4) The terms and conditions upon and subject to which the Council may supply sea-water under the powers of this section shall be such as the Council shall prescribe or as shall be agreed upon between the Council and the person desiring to be supplied. Provided that such terms and conditions shall be the same to all persons under similar circumstances.

Store yard or depôt.

117. The Council may acquire lands by agreement not exceeding one acre in extent for any of the purposes contemplated by this section but nothing in this section shall exempt the Council from any indictment action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken and the Council may lay out any such lands as a store yard or depôt for stone and other materials and may erect and construct thereon stables weighing machines tool-houses and other buildings and works for the convenient use of such store yard or depôt and (subject to agreement with any railway company whose siding may be used) may provide and use railway sidings in connexion therewith.

Council may build or provide fire-engine stations.

118. Section 73 (Commissioners may provide fire engines and firemen) of the Towns Improvement (Ireland) Act 1854 shall in its application to the district be deemed to be amended and extended so as to authorise the Council to build provide acquire take on lease or hire fire-engine stations and houses and places for keeping engines for extinguishing fire and their appurtenances.

Firemen's cottages.

119. The Council may acquire purchase or take on lease subject to the sanction of the Local Government Board and under such conditions as that Board may prescribe from time to time may erect on any land belonging to them and not specifically appropriated to other purposes such houses and cottages as they think fit for the habitation of their firemen and may let the said houses and cottages or any of them to such firemen on such

terms and conditions at such rent or free from rent as the Council think fit. A.D. 1905.

120. Any person who without the consent of the Council wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any street road or footpath under the control or management of the Council shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured he shall also be liable in the case of any injury to trees to pay to the Council such amount of compensation as a court of summary jurisdiction may award. Penalty for
injuring
street works.

121. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in default of agreement be ascertained by arbitration in the manner provided by sections 216 to 218 (both inclusive) of the Public Health (Ireland) Act 1878 which sections shall apply to every such arbitration. Compensa-
tion how to
be deter-
mined.

122.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878. Inquiries by
Local Go-
vernment
Board.

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

123. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of default negligence or misconduct on the part of the Council or of any contractor or person employed by them are required to pay damages penalties costs charges or In executing
work for
owner Coun-
cil not liable
for damage.

A.D. 1905. expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Persons acting in execution of Act not liable.

124. No matter or thing done or contract entered into by the Council nor any matter or thing done by any member officer or clerk of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Authentication and service of notices.

125.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health (Ireland) Act 1878 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Evidence of appointment.

126. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer solicitor servant or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

127. All the provisions with respect to byelaws contained in sections 219 to 223 (both inclusive) of the Public Health (Ireland) Act 1878 and any enactment amending or extending those sections shall apply to all byelaws from time to time made by the Council under the powers of this Act Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto.

A.D. 1905.
Making of
byelaws.

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

Recovery of
penalties.

129. All penalties recovered under this Act or under any byelaw thereunder shall except in case of penalties recovered against the Council be paid to the treasurer and be by him carried to the credit of the district fund.

Penalties to
be paid to
treasurer.

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

Recovery of
demands
under fifty
pounds.

131. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next court of quarter sessions under and according to the provisions of section 269 of the Public Health (Ireland) Act 1878.

As to appeal.

132. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or the Public Health (Ireland) Acts or of the Towns Improvement (Ireland) Act 1854 or of the Local Government (Ireland) Act 1898 or of any byelaws made under any of the said Acts may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Informations
by whom to
be laid.

A.D. 1905.
Saving for
indictments.

133. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punished more than once for the same offence.

Judges &c.
not disquali-
fied.

134. 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 Council or liable to any rate.

Works below
high-water
mark not
to be com-
menced with-
out consent
of Board of
Trade.

135. The Council shall not under the powers of this Act construct on the shore of the sea or any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights
of Crown.

136. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most excellent Majesty and in particular nothing herein contained shall authorise the Council 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade

as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give. A.D. 1905.
—

137. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons and the costs incurred by the Council in or with the object of complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act shall be paid by the Council primarily out of the rates leviable by the Council throughout their district under the rating powers conferred upon them by the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Act 1878 in proportions to be hereafter determined by the Council or out of moneys borrowed under the authority of this Act for that purpose and before borrowing such moneys the Council shall by resolution determine the proportions in which the funds on the security of which such moneys are borrowed shall contribute in respect of such loans. Costs of Act.

A.D. 1905.

The SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the sixth day of May 1905 between the Right Honourable HENRY WILLIAM CROSBIE VISCOUNT BANGOR (herein-after called "Viscount Bangor") of the 1st part the Honourable SOMERSET RICHARD HAMILTON AUGUSTA WARD (herein-after called "the Honourable Somerset Ward") of Carrowdore Castle Donaghadee in the county of Down of the 2nd part and the URBAN DISTRICT COUNCIL OF BANGOR in the said county of Down (herein-after called "the Council") of the 3rd part.

WHEREBY (subject to an Act of Parliament being obtained as herein-after mentioned) it is agreed as follows :—

1. The said Viscount Bangor as tenant for life shall grant and convey to the Council that portion of the premises first described in the form of conveyance set forth in the schedule hereto and (so far as capable of delineation on a plan) shown on the plan annexed hereto and thereon coloured pink (which said premises are included in the expression "the said granted premises" herein-after used).

2. The said Honourable Somerset Ward shall grant and convey to the Council that portion of the premises secondly described in the form of conveyance set forth in the schedule hereto and (so far as capable of delineation on a plan) shown on the plan annexed hereto and therein coloured blue (which said premises are included in the expression "the said granted premises" herein-after used).

3. The said granted premises shall be conveyed subject to the exceptions and provisoes contained in such form of conveyance and generally in the terms of such form of conveyance with such modifications as having regard to the circumstances existing at the date of the execution thereof may be necessary or proper.

4. The said conveyance shall be executed as soon as may be after the passing of the intended Act of Parliament next herein-after mentioned.

5. The Council shall in due course take all necessary steps and endeavour with all practicable speed to obtain an Act of Parliament enabling the Council to carry into effect this agreement and if the said Act of Parliament shall not be obtained on or before the 31st day of December 1905 then and in such case this agreement shall be absolutely void.

6. This agreement is made subject to the assent of Parliament and to such alterations as Parliament may think fit to make therein or in the

scheduled form of conveyance Provided nevertheless that if Parliament shall make any material alteration in this agreement or the said form of conveyance either party may by written notice withdraw from this agreement and in such case the same shall be absolutely void. A.D. 1905.

The question whether any alteration is material shall in case of difference be referred to the arbitration of James Chambers Esq. K.C. of the Irish Bar.

In witness whereof the said Viscount Bangor hath hereunto subscribed his title of honour and the said Honourable Somerset Ward hath hereunto subscribed his name and the Council hath hereunto affixed its corporate seal the day and year first herein written.

Signed by the said Viscount Bangor in } BANGOR.
the presence of

ARTHUR PAGE
Butler
Castle Ward Downpatrick

Signed by the said Honourable Somerset } SOMERSET R. H. A. WARD.
Ward in the presence of

JOHN R. McCONNELL
Estate Office
Downpatrick

Present when the seal of the Council }
was affixed hereto

JOHN McMEEKAN
Chairman

J. MILLIKEN
Clerk to the Council.



SCHEDULE.

This INDENTURE made the _____ day of _____ 1905 between the Right Honourable HENRY WILLIAM CROSBIE VISCOUNT BANGOR of the 1st part the Honourable SOMERSET RICHARD HAMILTON AUGUSTA WARD of Carrowdore Castle Donaghadee in the county of Down of the 2nd part and the URBAN DISTRICT COUNCIL OF BANGOR in the said county of Down (herein-after called "the Urban District Council") of the 3rd part.

WHEREAS by an order of the Right Honourable the Vice-Chancellor of Ireland dated the 19th day of February 1872 and made in the matter of the Act 19 and 20 Victoria chapter 120 intituled "An Act to facilitate Leases and Sales of Settled Estates" and the Act 21st and 22nd Victoria

[Ch. cxcvi.] *Bangor (County Down) Water and* [5 EDW. 7.]
Improvement Act, 1905.

A.D. 1905. chapter 77 intituled "An Act to amend and extend the Settled Estates Act 1856" of the Act 27th and 28th Victoria chapter 45 intituled "An Act to further amend the Settled Estates Act 1856" and in the matter of a moiety of the manor townland and demesne and townparks of Bangor with the appurtenances situate in the parish of Bangor barony of Ards and county of Down settled by the will of the Right Honourable Edward Southwell Lord Viscount Bangor deceased it was amongst other things ordered that the lands mentioned in the 1st part of the schedule hereto (delineated on the Map No. 1 hereupon endorsed and thereon coloured blue) should subject as therein-after mentioned be laid out as a permanent esplanade or garden (but so that the same should not in any manner be dedicated to the public) and be vested in trustees or a trustee for the purposes of such esplanade and also that the said lands should be laid out and enclosed with a good and substantial railing as a permanent garden or esplanade but so that the public might not acquire any right or interest therein and that same should be vested in Lord George Augusta Hill Andrew Nugent and the said Somerset Richard Hamilton Augusta Ward :

And whereas by an indenture dated the 3rd day of December 1872 and made between the Right Honourable Edward Viscount Bangor who was entitled to the said lands as tenant for life of the one part and the said Lord George Augusta Hill Andrew Nugent and Somerset Richard Hamilton Augusta Ward (therein called the said trustees) of the other part in pursuance of the said order and in exercise of the powers conferred upon him by the said order the said Edward Viscount Bangor did thereby revoke all the uses trusts and provisions by the will of Edward Southwell Viscount Bangor declared of and concerning the said lands and did thereby appoint that the same should remain and be unto and to the use of the said trustees their heirs and assigns upon the trusts and with and subject to the powers provisions and declarations in the said order contained of and concerning the same :

And whereas the said Lord George Augusta Hill and Andrew Nugent are dead and no new trustees of the said indenture have been appointed :

And whereas under the limitations contained in an indenture of settlement dated the 19th day of March 1885 and made between the said Henry William Crosbie Viscount Bangor (herein-after called the said Viscount) and Edward William Henry Ward of the one part and the said Arthur Blundell George Sandys Hill and Lord Dunleath therein called Henry Lyle Mulholland of the other part the said Viscount is seized as tenant for his own life of the lands mentioned in the second part of the schedule hereto (delineated on the Map No. 2 hereupon endorsed and thereon coloured pink) and also of a considerable portion of the town of Bangor portion of which has already been let on building leases and other portions of which it is contemplated will shortly be let for building purposes and of which indenture the said Arthur Blundell George Sandys Hill and Baron Dunleath are trustees for the purposes of the Settled Land Acts :

[5 EDW. 7.] *Bangor (County Down) Water and [Ch. cxcvi.]
Improvement Act, 1905.*

And whereas by the Bangor (County Down) Water and Improvement Act 1905 it was enacted that the Urban District Council might acquire the lands shown upon the deposited plans and described in the book of reference being the said lands mentioned in the first and second parts of the schedule hereto for the purposes in the said Act mentioned: A.D. 1905.

And whereas by the said Act it was enacted that notwithstanding anything contained in the herein-before recited order of the High Court of Chancery in Ireland dated the 19th day of February 1872 and the herein-before recited indenture dated the 3rd day of December 1872 the trustees appointed by the said indenture or their survivors or survivor might convey to the Urban District Council for the purposes of Part 5 of the said Act the Slopes comprised in the said order and conveyed by the said indenture freed and discharged from all the trusts and restrictions directed and created by the said order and the said indenture respectively with respect to the said Slopes and when the said trustees or the survivors or survivor should have executed such conveyance as aforesaid they should by virtue of the said Act be discharged from all obligations with respect to the said Slopes arising under the said order and indenture:

And whereas it is for the general benefit of the residents upon the lands comprised in the said indenture of settlement which have been and are intended to be let on building leases as aforesaid that the lands comprised in the second part of the schedule hereto should be appropriated and laid out for open spaces as recreation grounds for the use of the public:

And whereas Part 5 of the said Act has provided for the continued appropriation to such purposes and maintenance of the said lands by the Urban District Council:

And whereas in pursuance of the said recited Act the said Viscount has agreed to convey the said lands mentioned in the second part of the said schedule hereto to the Urban District Council in manner herein-after mentioned:

Now this indenture witnesseth that the said Somerset Richard Hamilton Augusta Ward as trustee in exercise of the provisions of the said recited Act and of the powers thereby conferred upon him and of every other power him thereunto enabling doth hereby grant and convey to the Urban District Council and its assigns all those the lands mentioned in the 1st part of the said schedule hereto which lands are situate in the townland of corporation of Bangor parish of Bangor barony of Ards and county of Down To hold the said lands unto and to the use of the Urban District Council their successors and assigns for the purposes mentioned in Part 5 of the said Act but freed and discharged from all the trusts and restrictions directed and created by the said recited order of the High Court of Chancery in Ireland dated the 19th day of February 1872 and the said recited indenture of conveyance dated the 3rd day of December 1872:

[Ch. cxcvi.] *Bangor (County Down) Water and* [5 EDW. 7.]
Improvement Act, 1905.

A.D. 1905.

And this indenture also witnesseth that in pursuance of the said agreement and in exercise of the provisions of the said Act and by virtue of the powers vested in him by the Settled Land Acts 1882 to 1890 and of every other power him thereunto enabling in that behalf the said Viscount doth hereby grant and convey unto the Urban District Council their successors and assigns all those the lands mentioned in the 2nd part of the said schedule hereto which said lands hereby secondly granted and conveyed are situate in the townland of corporation of Bangor parish of Bangor barony of Ards and county of Down Excepting however and reserving hereout unto the said Viscount and the person or persons for the time being entitled to the rents and profits of the lands comprised in the said indenture of settlement all watercourses sewers and drains passing through or under the said lands or any part thereof and the free passage of water and sewerage through the said watercourses sewers and drains and also full and free right at all times and from time to time to make and construct under and through the said lands secondly granted and every part thereof all watercourses sewers and drains that he or they shall consider necessary for the drainage and sewerage of any part of the lands comprised in the said indenture of settlement and of repairing enlarging or improving any of the said watercourses drains or sewers from time to time constructed or existing under or through any part of the said lands and of using all watercourses drains or sewers running under or through any part of the said lands To hold the same unto and to the use of the Urban District Council their successors and assigns for the purposes and subject to the provisions mentioned in Part 5 of the said Act And the Urban District Council do hereby covenant with Viscount Bangor and also with the said Honourable Somerset Ward to pay to them all costs incurred by either of them in respect of the approval and execution of these presents and the negotiations for the transfer of the said lands to the Urban District Council since the year 1896 such costs to be taxed as between solicitor and client :

Provided always and it is hereby agreed and declared that nothing herein contained shall diminish or prejudice the powers of the Urban District Council as sanitary authority for the urban district of Bangor with respect to the sewerage and drainage of the said district or with respect to any of the lands comprised in this conveyance and firstly and secondly herein-before granted or to any such drains and sewers so made and constructed as aforesaid.

The SCHEDULE above referred to.

A.D. 1905.

PART I.

The lands delineated upon Map No. 1 hereupon endorsed and thereon coloured blue.

PART II.

The lands delineated upon Map No. 2 hereupon endorsed and thereon coloured pink.

In witness whereof the said Viscount Bangor hath hereunto subscribed his title of honour and affixed his seal and the said Honourable Somerset Richard Hamilton Augusta Ward hath hereunto subscribed his name and affixed his seal and the Urban District Council have hereunto affixed their corporate seal the day and year first herein written.

Signed sealed and delivered by the
said Viscount Bangor in presence
of

Signed sealed and delivered by the
said Honourable Somerset Richard
Hamilton Augusta Ward in pre-
sence of

Present when the seal of the Urban
District Council was affixed hereto.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

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