



CHAP. cxlvii.

An Act to make better provision for the Local Management of the Borough of Sligo, and for dissolving the Town and Harbour Commissioners of Sligo, and vesting in the Corporation of the Borough the Powers of the Town Commissioners, and incorporating a new Body of Harbour Commissioners; and for empowering the Corporation to construct Waterworks and supply Water, and to acquire Gasworks and supply Gas; and for other purposes.

A.D. 1869.

[26th July 1869.]

WHEREAS the borough of Sligo in the county of Sligo (in this Act respectively referred to as the borough and the county) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation):

And whereas the borough as defined for municipal purposes is less extensive than the borough as defined for purposes of parliamentary elections (in this Act referred to as the parliamentary borough), and it is expedient that the boundaries of the municipal borough be extended so as to be the same as the limits of the parliamentary borough, and that the wards of the municipal borough be made identical with the wards of the parliamentary borough as the same are defined for poor law purposes:

And whereas it is expedient that the jurisdiction of the justices of the peace for the borough be extended to the limits of the borough as extended by this Act:

And whereas it is expedient that the entire liability for the construction, repair, and maintenance of roads and bridges within the borough be imposed on the property within the borough exclusively, and that such property be relieved from the payment of any county cess levied in the county for the construction, repair, or maintenance of roads or bridges in the county outside the borough, whether

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. the expenses of such roads or bridges outside the borough are chargeable to any barony of the county or to the county at large :

And whereas it would be for the benefit of both the county and the borough if better provision were made respecting the amounts which the borough is now by law liable to contribute to the county for the purposes of the county gaol, lunatic asylum, and other establishments, and for salaries of county officers and other purposes :

43 G. 3.
c. lx.

And whereas in the forty-third year of the reign of King George the Third an Act (chapter sixty, local) was passed (the title whereof is set out in the first schedule to this Act) for the improvement and regulation of the town and harbour of Sligo (in this Act referred as the Town and Harbour Act of 1803) :

And whereas by the Town and Harbour Act of 1803 the Commissioners constituted under that Act (in this Act referred to as the Town and Harbour Commissioners) were invested with powers for paving, flagging, lighting, cleansing, watching, and improving the town and its precincts, and for regulating and establishing markets and removing nuisances therein, and other purposes relative to the local management of the town and its precincts, and (section sixty-nine) were required to levy on the property within the town and precincts an annual rate not exceeding two shillings in the pound, and (section eighty-five) were empowered to enlarge and improve the then present quay of the town, and to erect additional quays, graving or floating docks, and wharves, and to maintain and keep them in repair, and (section eighty-seven) to cleanse and deepen the port and harbour, and to put down moorings and erect beacons, and (section ninety) to levy dues on vessels entering the port and harbour :

9 & 10 Vict.
c. xxiv.

And whereas another Act was passed in the ninth year of the reign of Her Majesty Queen Victoria (chapter twenty-four, local), intituled "An Act for improving and maintaining the Harbour or "Port of Sligo in the county of Sligo" (in this Act referred to as the Harbour Act of 1846) :

And whereas by the Harbour Act of 1846 (section one) all the powers of the Town and Harbour Act of 1803, except as therein excepted, were extended to that Act :

And whereas by the Harbour Act of 1846 it was enacted (section three) to the effect that the Commissioners elected in pursuance of the Town and Harbour Act of 1803, and the members of the Town Council of the borough and their successors elected under the Municipal Corporation Act for Ireland, and who (it was in that section stated) in right of the last-mentioned Act were also constituted Commissioners, should have the power to improve and maintain

the navigation of the Sligo river within the limits therein described, and for that purpose they were thereby empowered to deepen the then present channel and to execute other works, and they were (section eleven) empowered to take dues therein defined:

A.D. 1869.

And whereas by the Harbour Act of 1846 it was enacted (section seventy-nine), among other things, to the effect that in that Act the word "port" and the word "harbour" should include all the water below high-water mark between the rock called the Wheat Rock in the Sligo Bay and the old bridge at Sligo:

And whereas it is inexpedient that the large and important powers vested in the Town and Harbour Commissioners under the Town and Harbour Act of 1803, and the Harbour Act of 1846, should be exercised as they now are by a body of persons elected for life, some of whom are non-resident, and who in order to retain their offices are only required to attend a meeting of the Commissioners once in eighteen months:

And whereas it would be of great local advantage if the powers and duties vested in and imposed on the Town and Harbour Commissioners in relation to the town and its precincts were severed from those vested in or imposed on them in relation to the port and harbour, and if the former were transferred to the Corporation and the latter were vested in and imposed on a new body of Commissioners incorporated for harbour purposes only, and comprising in addition to the mayor of the borough for the time being a proportion of members nominated by the Council, and as to the residue consisting of members elected for short terms by the inhabitant householders and traders of the town and port:

And whereas with a view to the objects aforesaid it is expedient that the Town and Harbour Commissioners be dissolved:

And whereas the Town and Harbour Commissioners have exercised borrowing powers conferred on them by the Town and Harbour Act of 1803 to the full extent, and their mortgage debt now consists of the sum of two thousand pounds charged on the rates leviable on the town and its precincts, and of the sum of six thousand pounds charged on the dues and other money leviable in respect of the port and harbour:

And whereas it would be of great local advantage if the Corporation were empowered to supply water, and for the purposes of such supply to make and maintain waterworks:

And whereas by the Sligo Gas Company's Act, 1855, a company called the Gaslight Company of Sligo (in this Act referred to as the Gas Company) was incorporated and empowered to manufacture and supply gas within the limits of the parliamentary borough:

A.D. 1869.

And whereas it is expedient that the Corporation and the Gas Company be empowered to enter into and execute an agreement for the purchase by the Corporation from the Company of the undertaking and property of the Company, and that on such purchase the powers of the Company be transferred to the Corporation, and that further provisions respecting the manufacture and supply of gas by the Corporation be made.

And whereas it is expedient that the Corporation be empowered to establish markets and fairs and slaughter-houses, and to employ weigh-masters and butter-tasters, and to purchase all existing rights of holding markets or fairs in the borough, or of levying tolls, rents, or stallages in respect of markets, fairs, weighing, measuring, or butter-tasting, and of making byelaws and regulations in relation thereto :

And whereas it is expedient that the Corporation be empowered to prohibit the holding within the borough of any unauthorized or abolished market or fair, and the hawking, display, or sale of animals, provisions, merchandise, and things within the borough in the streets or public places or elsewhere than in the authorized market places :

And whereas it is expedient that an alteration be made in the dues leviable under the Harbour Act of 1846 :

And whereas it is expedient that divers powers for the better local management of the borough and other purposes be conferred on the Corporation, and that better provision be made for the assessment and levying of rates in the borough, and that for the purposes of this Act the Corporation be authorized to borrow money :

And whereas plans and sections describing the lines, situations, and levels of the intended new waterworks, and plans describing the lands that may be taken compulsorily, and the streams and springs intended to be taken and diverted for the purposes of this Act, and a book of reference to the several plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the lines of the proposed works, or within the limits of deviation as defined on the plans, and describing all the lands aforesaid, have been deposited with the clerk of the peace for the county of Sligo (which are in this Act referred to as the deposited plans, sections, and book of reference) :

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

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

[32 & 33 VICT.] *The Sligo Borough Improvement* [Ch. cxlvii.]
Act, 1869.

Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

A.D. 1869.

1. This Act may be cited as *The Sligo Borough Improvement Act, 1869.*

Preliminary.

Short title.

2. The following Acts and parts of Acts (as far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (namely,)

Incorporation of general Acts herein named.

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 :

The Railways Act (Ireland), 1851, as amended by the Railways Act (Ireland), 1860, and the Railways Act (Ireland), 1864 :

The Waterworks Clauses Acts, 1847 and 1863 :

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof :

The Gasworks Clauses Act, 1847 :

The Markets and Fairs Clauses Act, 1847 :

The Commissioners Clauses Act, 1847 :

The Towns Improvement Clauses Act, 1847, except the following provisions thereof, namely, sections 7 to 12, 121 to 124 (all inclusive), and section 156 (inclusive) to the end, except as far as section 156 or any subsequent provision relates to private improvement expenses :

The following provisions of the Towns Improvement (Ireland) Act, 1854, namely, so much of section 25 as relates to qualification, sections 26, 43, 45, 48 to 51, 56, 72, 74 to 93, and 95 to 97, all inclusive :

And the Commissioners Clauses Act, 1847, shall apply to the Harbour Commissioners constituted under this Act, and the provisions of the Commissioners Clauses Act, 1847, with respect to the accounts to be kept by the Commissioners shall apply to the Corporation, and except as expressly otherwise provided in this Act, the provisions of the Towns Improvement (Ireland) Act, 1854, and all other Acts and parts of Acts incorporated with this Act, shall apply exclusively to the Corporation.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; (namely,)

Interpretation for purposes of this Act.

Terms to which meanings are assigned in the Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings :

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

In the Railways Act (Ireland), 1851, and the amending Acts incorporated with this Act, the term "the railway" shall for the purposes of this Act mean any waterwork or other work authorized by this Act:

In the Railways Act (Ireland), 1851, and the amending Acts, and in the provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, the term "the Company" shall for the purposes of this Act be taken to mean the Corporation:

In the Towns Improvement (Ireland) Act, 1854, (except as expressly otherwise provided in this Act,) the term "the Commissioners" shall for the purposes of this Act be taken to mean the Corporation.

4. In this Act—

Interpreta-
tion of terms
in this Act.

The term "the borough" means the borough of Sligo as extended by this Act, and the terms "the mayor," "the council," "alderman," "councillor," "the town clerk," "the treasurer," and "the town hall," mean respectively the mayor, the council, alderman, councillor, the town clerk, the treasurer, and the town hall for the time being of the borough:

The term "the Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being:

The term "the Municipal Corporation Acts" means the Act of the session of the third and fourth years of Her Majesty's reign (chapter one hundred and eight), "for the regulation of Municipal Corporations in Ireland," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in Ireland:

The term "Corporation" means the mayor, aldermen, and burgesses of the borough of Sligo as by this Act extended:

The term "The Grand Jury Law Consolidation Act of 1836" means the Act of the session of the sixth and seventh years of the reign of King William the Fourth (chapter one hundred and sixteen), "to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland," and the term "The Grand Jury Acts" means that Act and all Acts for the time being in force amending the same, or otherwise relating to grand juries in Ireland:

The term "person" includes a body corporate.

Commence-
ment of Act.

5. Except as expressly otherwise provided, this Act shall commence from and immediately after the passing thereof.

- 6.** From and after the commencement of this Act the boundaries of the municipal borough and of the wards thereof respectively shall be the same as the respective boundaries of the parliamentary borough and of the wards thereof as defined for poor law purposes. *Borough and Wards.*
 Extension of borough and wards.
- 7.** From and after the commencement of this Act the powers, authorities, rights, and privileges of the Corporation under the Municipal Corporation Acts and this Act, and otherwise, shall extend and be in full force to and throughout the parliamentary borough. *Extension of powers of Corporation.*
- 8.** As far as regards the extension of the boundaries of the borough and the division thereof into wards this Act shall for the purposes of the elections for aldermen and councillors in the year one thousand eight hundred and sixty-nine, and of all Acts preliminary and incidental thereto, take effect from its passing. *Commencement as to extension of limits and wards.*
- 9.** Nothing in this Act shall affect the tenure of office of the mayor or of any alderman or councillor being such at the passing of this Act, or any rotation among the aldermen or councillors, or alter the name of any of the wards of the borough; and with respect to elections and offices, the Municipal Corporation Acts shall be executed in relation to the borough in like manner in all respects as if the boundaries of the borough at the time of its original incorporation had been such as they will be under this Act, and as if the division and extent of the wards of the borough had been originally such as they will be under this Act. *Provision respecting existing mayor.*
Effect of alteration of wards, &c.
- 10.** From and after the commencement of this Act the jurisdiction, powers, authorities, rights, and privileges of justices of the peace appointed or to be appointed before or after the commencement of this Act for the borough shall extend and be in full force to and throughout the parliamentary borough. *Justices of Peace.*
 Extension of jurisdiction of justices locally.
- 11.** From and after the commencement of this Act, except as expressly otherwise provided in this Act, all public streets, roads, passages, footways, and bridges within the borough, other than quays the property of the Harbour Commissioners, shall be repairable by the Corporation exclusively and out of the borough fund. *Arrangements with County.*
 Repair of streets in borough by Corporation.
- 12.** From and after the commencement of this Act sections 12, 51, 55, 56, and 60 of "The Grand Jury Law Act of 1836," and all the provisions of the Grand Jury Acts relative thereto, shall cease to operate in relation to the borough. *Exclusion of parts of the Grand Jury Acts.*
- 13.** Nothing in this Act shall affect the liability of the borough under any contract existing at the commencement of this Act relative to roads and bridges within so much of the barony of Carbury *Saving liability as to roads and bridges in barony of Carbury.*

A.D. 1869. — as is comprised in the borough, but all such liability shall continue subject to the provisions herein-after contained.

Exemption
of borough
from ex-
penses speci-
fied.

14. From and after the commencement of this Act no part of the expenses to be incurred by or on behalf of the county for the following purposes, or any of them, shall be chargeable or charged on the borough ; namely,

1. For the salaries of the county surveyor and his assistants and clerk : Provided that so long as Noblett R. St. Leger, the county surveyor, continues to hold his present office and is willing to perform the same duties within the extended limits of the borough as he now performs within those limits, the borough shall continue liable to contribute towards his salary and the salaries of his assistants and clerk in the proportion fixed by this Act for the contribution of the borough towards other county purposes, and in like manner the borough shall contribute towards any superannuation allowance which may hereafter become payable to the said Noblett R. St. Leger under the provisions of the law relating to county surveyors :
2. For allowances to coroners and expenses of witnesses under section 25 of the Act of the session of the ninth and tenth years of Her Majesty's reign, chapter thirty-seven :
3. For the expenses of the revision of the tenement valuation of property in the county under any Act for the time being in force, except as far as such revision relates to property within the borough :
4. For the expenses of providing and printing registry books and lists of registered voters required by Acts for the time being in force relating to the election of members to serve in Parliament, or other expense relative to the registration of voters for the county.

Levying of
county cess
in borough
to cease.

15. From and after the commencement of this Act all the powers and duties of the grand jury of the county in relation to the applotting and levying of county cess on any rateable property within the borough shall cease ; but in case the grand jury shall pay to the persons or any of them who have entered into any contract with the grand jury any sum or sums for repair, maintenance, or otherwise of any of the bridges, roads, or streets within the extended borough at any future assizes under the terms and during the continuance of such contract, it shall be lawful for the secretary of the grand jury to add and he shall add the amount of such sum or sums (subject to the right of traverse provided for by this Act) to the sum to be certified by him and presented as the contribution by the

borough to the county in accordance with the provisions of this Act, and such sum shall be considered for all purposes contemplated by this Act as portion of such contribution, and in default of payment thereof by the Corporation to the grand jury, the grand jury shall be at liberty to levy the amount thereof off the borough as by this Act is herein-after specially provided for the levying of such contribution, the amount of such certificate or presentment to form portion of the borough rate which by this Act the Corporation are authorized to levy; but nothing in this Act shall be deemed a waiver of the right of the grand jury to recover or preclude the grand jury from recovering any arrear of county cess applotted upon lands or houses within the extended borough at or before the summer assizes for the year one thousand eight hundred and sixty-nine which may be in arrear or unpaid at or after the passing of this Act.

A.D. 1869.

16. Except as in this Act expressly provided, the borough shall continue liable to contribute towards amounts from time to time presented by the grand jury of the county for purposes in respect of which county cess would have been leviabie on rateable property within the borough if this Act had not been passed.

Contribution of borough to other county purposes.

17. The amount of the contribution of the borough towards the amount presented as aforesaid shall be proportioned to the valuation of property in the borough as compared to the valuation of property in the county, and the amount of such contribution shall be certified in detail under the hand of the secretary of the grand jury of the county, such certificate to be delivered to the town clerk at the time when the warrants for collecting are delivered to the collectors of county cess, and six weeks at least before the commencement of each assizes for the county; and the Corporation may traverse any such presentment as aforesaid in like manner as any person rated in respect of property within the borough might by law at the passing of this Act traverse any such presentment as regards such property.

Proportion of contribution.

18. The amount stated in such certificate (subject to the right to traverse the same as aforesaid) shall be a first charge on the borough rate authorized by this Act, and (subject as aforesaid) the said amount shall be paid by the Corporation fourteen days at least before the first day of the assizes next following the date of such certificate.

Contribution to be a first charge upon borough rate.

19. If at any time the Corporation fail within the time specified in the preceding clause to pay the amount of the contribution of the borough under this Act, the power of the grand jury of the county to levy county cess on rateable property within the borough

On default by Corporation power for grand jury to levy.

A.D. 1869. shall revive and be as if this Act had not been passed, and the same may be exercised accordingly to the extent requisite for enforcing payment of and recovering the amount which the Corporation have so for the time being failed to pay.

For repair of roads in borough by county surveyor in case of default by Corporation.

20. In case the Corporation shall at any time make default in keeping the roads, streets, and bridges within the borough in good repair and condition, it shall be lawful for any three justices of the peace for the county or borough assembled at petty sessions of the borough to make an order under their hands specifying any road, street, or bridge, or portion thereof respectively, which in their opinion shall require repair, and directing the town clerk to proceed to have the same repaired within ten days after service upon him of such order, and further directing that in case of default in proceeding to make such repairs within the said period of ten days that the county surveyor shall appoint some fit and proper person to make such repairs under his own superintendence, and the county surveyor shall before the next assizes deliver or cause to be delivered to the secretary of the grand jury a certificate of the amount which shall have been expended under his superintendence in such repairs, and the grand jury shall at the next assizes make presentment of the amount so expended, and such amount shall be payable by the Corporation in the same manner as the contribution of the borough for general county purposes is by this Act made payable: Provided that no such order shall be made until there shall be produced to the said justices a certificate under the hand of and signed by the county surveyor certifying that such repair or work is necessary, and that notice of such necessity has been served at the office of the town clerk, and that such repair or work has not been done: Provided also, that in the event of the county surveyor in like manner certifying under his hand and lodging such certificate with the secretary of the grand jury and a copy thereof with the town clerk that there is in his opinion urgent necessity for making such repairs or doing such work without delay, and that the Corporation have made default in the same, it shall not be necessary for any notice to be given to the Corporation or the town clerk, but in such event the county surveyor shall be at liberty to proceed and shall proceed to make such repairs forthwith.

Mayor to be associated cesspayer as to compensation for malicious injury.

21. For the purposes of proceedings at presentment sessions under section 135 of the Grand Jury Law Consolidation Act of 1836, and any provision of the Grand Jury Acts relative thereto, the mayor for the time being shall be by virtue of his office an associated cesspayer for the barony of Carbury in addition to the cesspayers

associated at presentment sessions for that barony in pursuance of the Grand Jury Acts, and the mayor while acting as such associated cesspayer shall have the same rights and privileges as a justice of the peace for the county at such presentment sessions. A.D. 1869.

22. The mayor shall be an ex officio member of the board of superintendence of the Sligo county gaol in addition to the members of that board nominated by the grand jury. Mayor to be member of county gaol board.

23. From and after the twentieth day of November one thousand eight hundred and sixty-nine the Town and Harbour Act of 1803 shall be repealed, except the sections thereof described in the second schedule to this Act. *Harbour Commissioners.*
Partial repeal of 43G. 3. c. 60.

24. From and after the twentieth day of November one thousand eight hundred and sixty-nine there shall be a body of Commissioners constituted as in this Act provided for carrying into execution the Town and Harbour Act of 1803 as far as it relates to the port and harbour, and the Harbour Act of 1846 and this Act as far as it relates to the port and harbour, which Commissioners and their successors for the time being shall by virtue of this Act as from and after the last-mentioned day be for those purposes incorporated by the name of the Sligo Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property. Incorporation of Harbour Commissioners.

25. The full number of the Sligo Harbour Commissioners (in this Act referred to as the Harbour Commissioners) shall be nineteen, of whom the mayor for the time being shall be one; two shall be nominated as in this Act provided (in this Act referred to as the nominated Harbour Commissioners), and sixteen shall be elected as in this Act provided (in this Act referred to as the elective Harbour Commissioners). Commissioners nominated and elective and mayor ex officio.

26. On or before the twentieth day of November one thousand eight hundred and sixty-nine the Corporation shall at a special meeting of the Council nominate two persons to be Harbour Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of either of those two Commissioners, the Corporation shall as soon as may be after the occurrence of the vacancy at a like meeting appoint another person to fill the vacancy, and so toties quoties. Appointment of nominated Commissioners.

27. Each appointment of a nominated Harbour Commissioner shall be determinable at any time by the Corporation at a special Tenure of office of nominated

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.
Commiss-
sioners.

meeting of the Council, and subject thereto and to the other provisions of this Act and of any Act incorporated wholly or in part with this Act, each appointment of a nominated Harbour Commissioner shall be operative for five years and no longer, but at the end of the term of five years an outgoing nominated Harbour Commissioner shall be capable of re-appointment.

Constituc-
cies for elec-
tion of elec-
tive commis-
sioners.

28. The sixteen elective Harbour Commissioners shall, subject and according to the provisions of this Act, be elected by the following classes of electors (of which classes respectively they shall be deemed representatives), namely, eight by inhabitant householders of the borough and eight by traders of the borough.

Time for
first elec-
tions.

29. On or within four days after the tenth day of November one thousand eight hundred and sixty-nine elections shall be held for all the sixteen elective Harbour Commissioners.

Time for
subsequent
elections.

30. On or within four days after the tenth day of November in the year one thousand eight hundred and seventy, and in every subsequent year, elections shall be held for filling up vacancies among the elective Harbour Commissioners.

Qualification
of inhabitant
house-
holders.

31. Every inhabitant householder of the borough for the time being rated in respect of a dwelling house within the borough at the net annual value of twelve pounds or upwards, according to the last poor law valuation, shall be entitled to one vote for each elective Harbour Commissioner to be elected as a representative of inhabitant householders.

Qualification
of traders.

32. Every person, partnership, or body corporate, carrying on any business within the borough, and having in the twelve months immediately preceding the first day of September in any year paid port dues at the port to the amount of five pounds or upwards, (every such person being also resident within the borough or within ten miles thereof,) shall be qualified to give one vote for each elective Harbour Commissioner to be elected as a representative of traders, and to give one additional vote in respect of every ten pounds so paid up to six votes.

Annual lists
of traders.

33. The electors of representatives of inhabitant householders and of traders shall be ascertained for the purpose of each election as follows; (namely,)

- (1.) On or within four days after the first day of September in the year one thousand eight hundred and sixty-nine, and in every subsequent year, the secretary of the Town and Harbour Commissioners or of the Harbour Commissioners (as the case may be) shall make out lists of the persons,

partnerships, and bodies corporate who are by virtue of this Act entitled on each such first day of September to vote at the elections of representatives of inhabitant householders and of traders respectively :

(2.) The lists shall contain in alphabetical order the surname of every person so entitled, and his Christian name or names, and his place of business, and the name of every partnership or body corporate so entitled, with their place of business :

(3.) The lists shall (subject to revision as by this Act provided) be conclusive evidence that the persons, partnerships, and bodies corporate therein named, and no others, are entitled to vote at the next election of Harbour Commissioners as representatives of inhabitant householders and of traders to be held after the lists are made out :

If in any case the secretary of the Town and Harbour Commissioners or of the Harbour Commissioners, without lawful excuse (proof whereof shall lie on him), fails to make out lists as required by this section, or wilfully makes out such lists being erroneous in any material particular, he shall for every such offence be liable to forfeit a sum not exceeding twenty pounds, to be recovered with costs by action in one of the superior courts of law at Dublin, or at the quarter sessions for the county, at the suit and for the benefit of any inhabitant householder of the borough, or of any person qualified to vote at the election of Harbour Commissioners.

34. Within four days after the completing by the Town and Harbour Commissioners or the Harbour Commissioners of the lists of electors, they shall cause the same to be printed, and thenceforth until the day of election, inclusive, they shall cause printed copies thereof to be sold at a reasonable price not exceeding sixpence to all persons desiring to buy the same.

Printing and
sale of lists.

35. The chairman of quarter sessions for the county of Sligo shall be the revisor of the lists of electors, and the Town and Harbour Commissioners or the Harbour Commissioners shall pay such revisor a remuneration of not exceeding five pounds five shillings for each day on which he shall be engaged in revising the same, and the said chairman is hereby required and authorized to revise the lists and to sit for such purpose on such day or days in Michaelmas session one thousand eight hundred and sixty-nine, and in Michaelmas session in every year after that date, as he shall appoint, and may from time to time adjourn his sittings until the revision of such lists shall have been completed.

Chairman of
quarter ses-
sions to re-
vise lists.

A.D. 1869.

Notice of
sitting of
revisor.

36. The clerk of the peace for the county of Sligo shall give at least seven clear days notice by advertisement in one newspaper at the least circulating in the borough of Sligo of the day appointed by the revisor to revise the said lists, such revision to be on such day or days in Michaelmas session in the year one thousand eight hundred and sixty-nine, and in every subsequent year, as the said revisor shall select, and in such notice he shall call on all persons claiming to vote whose names may have been omitted from such lists, or who may wish to make objections to any person mentioned in such lists respectively, to send to him the particulars of such claim or objection within the time to be specified in such notice, not being less than three clear days before the first meeting appointed for the revision of such lists, and also requiring the persons so claiming or objecting to send duplicates of such notice of claim or objection to the secretary of the Town and Harbour Commissioners or of the Harbour Commissioners within the like period.

How notices
to be given
of all claims
and objec-
tions.

37. The clerk of the peace shall previous to the day so appointed for such revision give to the revisor all claims and notices of objections received by him, and the secretary of the Town and Harbour Commissioners or of the Harbour Commissioners shall attend all the sittings of the revisor, and produce all documents in their possession, and give all the information in their power respecting the title of any person, company, or copartnership so claiming to have his or their names inserted in either of such lists respectively, or to expunge the name of any such person, company, or copartnership therefrom.

Applications
and opposi-
tion before
revisor.

38. On every such revision any person, company, or copartnership having claimed in accordance with this Act to be named, but not being named in either of the lists respectively, may, in person or by an agent, apply to have his or their name or names inserted therein, and any person, company, or copartnership named therein, or having claimed in accordance with this Act to be named therein, may in person or by an agent apply for the erasure from either of the said lists of the name of any person, company, or copartnership appearing therein: Provided that no application for the erasure of the name of any person, company, or copartnership from either of the said lists shall be entertained by the revisor in case of the non-appearance of any such person, company, or copartnership concerned, in person or by an agent, except on proof of notice of the intended application having been served on such person, company, or copartnership, or at his or their residence or place of business, three clear days at least before the day appointed for the first sitting of the revisor.

39. The revisor may for the purposes of any revision under this Act summon any person as a witness, and may administer an oath to any witness, and if any person wilfully disobeys any such summons, or refuses to answer, or knowingly or wilfully answers untruly any lawful question put to him by order of or before the revisor, he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds: Provided that no person shall be liable to a penalty for disobedience to any such summons in case it would be necessary for him in order to obey the same to travel more than fifteen miles from his place of abode, or in any case unless the reasonable expenses of his attendance according to such summons have been first paid or tendered to him.

A.D. 1869.
Power to
summon
witnesses,
&c.
Penalty for
disobedience.

40. If at any time any question arises as to the qualification or right to vote of any person, company, or copartnership to represent the traders of the borough the revisor may require the production of bills of lading and receipts for port dues and other documents duly authenticated as evidence of such right to vote.

Revisor may
require pro-
duction of
certain docu-
ments if
right to vote
be ques-
tioned.

41. The revisor shall proceed as follows; namely,

He shall in pursuance of such applications as aforesaid correct the said lists respectively by inserting therein any name which it is shown to his satisfaction ought to be therein, and by erasing therefrom any name which it is shown to his satisfaction ought not to be therein:

Correction
of lists by
revisor.

He shall correct clerical and other errors (if any) in the lists, so as to bring the same into conformity with the facts.

42. The revisor may in the case of any application award such amount as he thinks just to be paid by either party to the other by way of costs, and the amount so awarded shall be recoverable by summary proceedings before a justice of the peace acting in the borough of Sligo.

Power to
award costs.

43. The decisions of the revisor with respect to the lists shall be final and conclusive, and the revisor shall within three days after completing the revision sign his name at the foot of the respective lists revised, and deliver the same to the secretary of the Town and Harbour Commissioners or the Harbour Commissioners, and every list purporting to be a list revised and signed according to this Act shall be *prima facie* evidence of the same being a list duly revised and signed according to this Act, and of all the provisions of this Act in any way relating to such list or to the revision thereof having been duly complied with, and such lists shall respectively be conclusive evidence that the persons therein respectively named, and no others, are entitled to vote at the elections of Commissioners.

Completion
of revised
lists.

A.D. 1869.

Printing and
sale of re-
vised lists.

44. Within three days after the delivery of the respective lists to the Town and Harbour Commissioners or the Harbour Commissioners by the revisor they shall cause the same to be printed, and thenceforth until the day of the respective elections, inclusive, they shall cause printed copies thereof respectively to be sold at a reasonable price (not exceeding sixpence for each copy) to all persons desiring to buy the same.

Harbour
Commission-
ers to pay
expenses of
revision of
lists.

45. The Town and Harbour Commissioners or the Harbour Commissioners shall pay out of the harbour rates and dues all the necessary expenses attending the revision of the said lists and of the elections of Harbour Commissioners to be held from time to time under this Act.

Days, hours,
and places
for elections.

46. The day, hours, and places on and at which the elections are to be held shall be appointed as to the first election by the mayor, and as to subsequent elections by the Harbour Commissioners, and notice of every such appointment shall be published by the mayor or the Harbour Commissioners (as the case requires), and such publication shall be completed not less than seven or more than fourteen days before the day appointed for the election.

Partnerships
to be deemed
incorpor-
ated.

47. For the purposes of elections of representatives of traders, persons carrying on any business or manufacture in partnership shall be deemed to constitute one person as if they were a body corporate, and the vote of a partnership may be given by any one partner, and shall be recorded in the partnership name.

Votes of
electors with
two quali-
fications.

48. Any person qualified to vote both as an inhabitant householder and as a trader may vote at any election in respect of each of such qualifications.

Returning
officers and
returns by
them.

49. At the first election the mayor, or in his absence such one of the aldermen as the Council appoint for the purpose, shall be the returning officer, and at subsequent elections the chairman of the Harbour Commissioners, or in his absence such one of the elective Harbour Commissioners not then going out of office as the chairman of the Harbour Commissioners appoints for the purpose, together with in all cases (at subsequent elections) the nominated Harbour Commissioners, shall be the returning officers. If in any case there is an equality of votes for two or more candidates for election to fill one vacancy, the election shall be made by lots, drawn by the returning officer or officers; the returning officer or the returning officers, or the majority of them, shall according to the best of his or their judgment and ability make a return to the Harbour

Commissioners under his or their hands of the person or persons elected, and every person so returned shall be deemed duly elected. A.D. 1869.

50. Subject to the provisions of this Act, the Harbour Commissioners shall from time to time by byelaw regulate the mode of conducting elections under this Act. Regulations by byelaw.

51. For the purposes of this Act so much of section 25 of the Towns Improvement (Ireland) Act, 1854, as is incorporated with this Act, and section 26 thereof, shall apply exclusively to the elective Harbour Commissioners, and section 25 thereof shall for that purpose be read and have effect as if the words twenty pounds were therein substituted for the words twelve pounds, and the borough shall be deemed the town within the meaning of that section: Provided that for the purposes of this Act the rating required by that section shall be a rating in respect of lands or tenements constituting a single holding, and being rated separately at the net annual value aforesaid. Qualification of Commissioners.

52. Notwithstanding anything in this or any other Act, no person shall be qualified to be an elector under this Act, or to be a Harbour Commissioner, except a male person being a British subject. Electors to be British subjects, &c.

53. If any elective Harbour Commissioner ceases to possess the qualification requisite for his election or appointment as a Commissioner, his office shall be thereby vacated, and the Harbour Commissioners shall so declare. Vacation of office by loss of qualification.

54. Two of the eight elective Harbour Commissioners elected as representatives of inhabitant householders at the first election shall go out of office at the second election, two at the third election, two at the fourth elections, and the remaining two at the fifth election; the Commissioners to go out at the second, third, and fourth elections respectively shall be determined by agreement among those elected at the first election and for the time being in office, or in default of agreement by lots drawn at a meeting of the Harbour Commissioners by their secretary; the two elective Harbour Commissioners elected at the second and every subsequent election as representatives of inhabitant householders shall go out of office at the fourth election after their election. Every Commissioner going out under this section shall be re-eligible. Rotation of representatives of householders.

55. The provisions of this Act respecting the rotation of elective Harbour Commissioners representatives of inhabitant householders shall extend and apply, mutatis mutandis, to the rotation of elective Harbour Commissioners representatives of traders. Rotation of representatives of traders.

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Provision for
non-delivery
of list.

56. In case any election is prevented from being held in conformity with this Act by reason of any list by this Act required not being made out and completed in conformity with this Act, or by reason of any other accident or circumstance, there shall be deemed to be a failure to elect, and another election shall be held not later than three months from the time appointed for the election so prevented from being held.

Mode of
supplying
casual va-
cancies.

57. If any elective Harbour Commissioner dies or resigns, or if his office is vacated from any cause other than that of his going out of office by rotation, the Harbour Commissioners may, if they think fit, within one month after the happening of such vacancy appoint in his place a qualified person. Every such appointment shall be made at a meeting of the Harbour Commissioners, notice whereof shall be given in manner required for special meetings. Every Harbour Commissioner so appointed shall be deemed an elective Harbour Commissioner, and shall continue in office only as long as the person in whose place he is appointed would have been entitled to continue in office.

Error in
elections not
to vitiate acts
done.

58. Any act of the Harbour Commissioners, or any of them, shall not be invalidated or be illegal by reason of any irregularity in the election or appointment of any Harbour Commissioner, or by reason of the non-completion of, or the too late completion of, or any error in any list of electors, or by reason of any irregularity in the making or publishing of any such list, or by reason of any person not qualified or ceasing to be qualified acting as a Commissioner, or by reason of any failure or omission on any occasion to elect or appoint any Commissioner, or by reason of any other irregularity, error, failure, or omission in or about any election, or in or about any matter preliminary or incidental thereto.

Expenses to
be paid by
Commis-
sioners.

59. All expenses incurred in obtaining or printing lists of electors, or in providing places for elections, or by the returning officers or otherwise, by or on behalf of the Town and Harbour or Harbour Commissioners in relation to elections under this Act, shall be defrayed by the respective Commissioners.

Quorum of
Commis-
sioners.

60. The quorum of the Harbour Commissioners shall be five.

First
meeting.

61. The Harbour Commissioners shall hold their first meeting at the present office of the Town and Harbour Commissioners at eleven o'clock in the forenoon on the first day of December one thousand eight hundred and sixty-nine.

Audit of
accounts.

62. The Harbour Commissioners shall annually in the month of August in each year apply to two justices of the borough to appoint

two persons to be auditors of the accounts of the Harbour Commissioners, and those justices shall thereupon appoint two fit persons (not being Harbour Commissioners) to be such auditors, and so much of section 92 of the Commissioners Clauses Act, 1847, as relates to remuneration and expenses, and the making and signing of a declaration (but no other part of that section), and sections 93 and 94 of the same Act, shall be construed so as to apply to and in respect of the auditors so appointed.

A.D. 1869.

63. A Harbour Commissioner being a justice of the peace may, notwithstanding his being a Harbour Commissioner, act as a justice in the execution of the Acts relating to the port and harbour, except in any case in which he is individually interested.

Commissioners not disqualified from acting as justices.

64. The newspaper for the advertisements of the Harbour Commissioners shall be some newspaper published at least once a week within the borough, and if there is none then within the county, and if there is none then in Dublin.

Newspaper for advertisements.

65. The powers of the Town and Harbour Commissioners under the unrepealed provisions of the Town and Harbour Act of 1803, except as far as they are by this Act expressly reserved to or transferred to and vested in the Corporation, shall vest in the Harbour Commissioners in like manner and to the like extent in all respects as they would have remained vested in the Town and Harbour Commissioners if this Act had not been passed.

Transfer to Harbour Commissioners of powers of Town and Harbour Commissioners as to harbour.

66. The provisions of the Harbour Act of 1846 shall be read and have effect (subject to the provisions of this Act) as if the Harbour Commissioners had been therein named or referred to instead of the Town and Harbour Commissioners.

Application of Act of 1846 to Harbour Commissioners.

67. Section 59 of the Harbour Act of 1846 shall from and after the passing of this Act be read and construed as if the words "Commissioners of Irish Lights" had been inserted in that section instead of the words "Commissioners of Northern Lighthouses."

Section 59 of "Harbour Act, 1846," amended.

68. The real and personal property, rights, and interests of the Town and Harbour Commissioners shall be and the same are hereby transferred and vested as follows; namely, as to so much thereof as was required for the purposes of or relating to the port and harbour to and in the Harbour Commissioners, and as to the residue thereof to and in the Corporation, and the same respectively shall be held and may be used, exercised, and enjoyed by the Harbour Commissioners and the Corporation respectively as the same respectively

Vesting in Harbour Commissioners of harbour works, &c. of Town and Harbour Commissioners.

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — would or might have been held, used, exercised, and enjoyed by the Town and Harbour Commissioners if this Act had not been passed.

Providing
for map of
Harbour
Commission-
ers property.

69. Within three months after the passing of this Act there shall be prepared by the Harbour Commissioners a map showing the quays and lands belonging to or claimed by them within the borough, and such map shall be submitted to the Corporation, and any question which may arise between the Commissioners and the Corporation concerning the accuracy of the said map shall be determined by arbitration in manner herein-after provided with respect to the decision of differences between the Corporation and the Harbour Commissioners; and after the said map shall have been agreed upon, or shall have been so settled by an arbitrator, three copies thereof shall be made and shall be verified by the respective seals of the Corporation and the Harbour Commissioners, and one of the said copies shall be preserved by the Corporation and another thereof by the Harbour Commissioners, and a third shall be deposited by the Harbour Commissioners with the clerk of the peace for the county of Sligo, and the provisions of the Act 1 Victoria, chapter 83, "to compel clerks of the peace for counties and other persons" "to take the custody of such documents as shall be directed to be" "deposited with them under the standing orders of either House" "of Parliament," shall apply to the said map or plan as fully and effectually as though the same were one of the documents referred to in the said Act; and from and after the deposit of the said map with the said clerk of the peace the same shall as between the Corporation and the Harbour Commissioners, and without prejudice to the rights of other persons, be conclusive evidence as to their relative rights in the lands shown on the said map.

Existing
works may
be main-
tained and
used.

70. The Harbour Commissioners may, subject to the provisions of this Act, maintain and use the now existing works made under the Town and Harbour Act of 1803, as far as it relates to the port and harbour, and under the Harbour Act of 1846.

Provisions
of Railways
Clauses Act,
1863, incor-
porated.

71. Sections 13, 18, and 19 of the Railways Clauses Act, 1863, are incorporated with this Act, and (for the purposes of such incorporation) in the said section 13 the word "work" shall mean any works below high-water mark which the Harbour Commissioners are by virtue of the Harbour Act of 1846 and this Act authorized to construct, and in the said sections 18 and 19 the word "work" shall mean all works heretofore constructed under the Harbour Act of 1846, or which the Harbour Commissioners are by this Act authorized to construct, and which are respectively situate below high-water mark.

72. Notwithstanding the dissolution of the Town and Harbour Commissioners, all purchases, sales, conveyances, grants, assurances, leases, mortgages, bonds, contracts, agreements, securities, and other acts and things relating to the port and harbour made, entered into, executed, or done by them shall be as good, valid, and effectual to all intents for, against, and with reference to the Harbour Commissioners as they would have been for, against, or with reference to the Town and Harbour Commissioners, and may be proceeded on and enforced accordingly, the Harbour Commissioners being only substituted in or in relation thereto respectively for the Town and Harbour Commissioners.

A.D. 1869.
Conveyances, &c. to remain in force.

73. Notwithstanding the dissolution of the Town and Harbour Commissioners, any action, suit, prosecution, or other proceeding commenced by or against them shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Harbour Commissioners, and proceedings for all offences against any provisions relating to the port and harbour committed before the dissolution of the Town and Harbour Commissioners may be commenced and prosecuted, and all penalties incurred by reason of such offences may be sued for, in like manner in all respects as if there had been no such dissolution, the Harbour Commissioners being with respect to all the matters in this section referred to only substituted in or in relation thereto respectively for the Town and Harbour Commissioners.

Actions, &c. not to abate.

74. Notwithstanding the dissolution of the Town and Harbour Commissioners, all dues, tolls, rates, rents, and charges which have been made, charged, or imposed, under any enactment relating to the port and harbour, and which at the dissolution are due, or if this Act had not been passed would have accrued due, shall continue in force and be due and payable to the Harbour Commissioners, those Commissioners being only substituted in relation thereto respectively for the Town and Harbour Commissioners, and the same may be collected, recovered, or enforced by the like means and under the like restrictions and regulations as if this Act had not been passed.

Rates or rents to continue in force.

75. Notwithstanding the dissolution of the Town and Harbour Commissioners, all persons who immediately before the commencement of this Act owe any money to those Commissioners, or to any person on their behalf, shall pay the same with all interest (if any) due or to accrue due for the same to the Harbour Commissioners, and the same shall be recoverable by the Harbour Commissioners;

Existing debts, &c. to be paid.

A.D. 1869. and all debts and money which immediately before the dissolution are due or owing by, or recoverable from the Town and Harbour Commissioners, or for the payment of which those Commissioners are or but for this Act would be liable, with all interest (if any) due or to accrue due thereon, so far as the same shall have been incurred or shall have become payable for the purposes of the Harbour, shall be paid by or be recoverable from the Harbour Commissioners, and so far as the same shall have been incurred or shall have become payable for the purposes of the borough, shall be paid by or be recoverable from the Corporation, and all securities for the same respectively shall continue in force.

Byelaws, &c.
to remain in
force.

76. Notwithstanding the dissolution of the Town and Harbour Commissioners, all byelaws, rules, regulations, and orders made by them in relation to the port and harbour shall continue in force until altered or repealed by the Harbour Commissioners, and may be enforced, and all penalties and forfeitures thereby imposed may be recovered, and shall be applied as if this Act had not been passed, the Harbour Commissioners being only substituted in and in relation thereto respectively for the Town and Harbour Commissioners.

Benefits
under other
Acts pre-
served.

77. Notwithstanding the dissolution of the Town and Harbour Commissioners, all provisions in their favour contained in any Act (other than the Town and Harbour Act of 1803 and the Harbour Act of 1846), and being in force immediately before the dissolution, shall continue in force, and the Harbour Commissioners, their officers and servants, by virtue of those provisions shall be entitled to, and may have, exercise, and enjoy all rights, interests, powers, authorities, and privileges which the Town and Harbour Commissioners by virtue of those provisions were entitled to and might have had, exercised, and enjoyed.

Present
officers con-
tinued until
removed.

78. Notwithstanding the dissolution of the Town and Harbour Commissioners, all officers or persons appointed to or in office or employment under them in relation to the port and harbour shall continue in their respective offices and employments according to their respective appointments until they resign the same, or are removed therefrom by the Harbour Commissioners, and all such officers and persons shall have the same powers, privileges, and advantages, and they and their respective sureties shall be liable to the same or the like conditions, penalties, obligations, restrictions, and regulations, as if such officers and servants respectively had been appointed and such sureties had become bound under this Act, the Harbour Commissioners being only substituted in or in relation thereto respectively for the Town and Harbour Commissioners:

Provided that in case any such officer or person shall be removed from office, or in case his present emoluments shall be reduced by the Harbour Commissioners, except by reason of his misconduct, he shall be entitled to such annual sum by way of compensation or superannuation allowance as shall be granted by the vote of a majority of the Harbour Commissioners and shall be approved of by the Lord Lieutenant of Ireland, such compensation or allowance in no case to exceed two thirds of the emoluments then received by such officer or person.

A.D. 1869.

79. Notwithstanding the dissolution of the Town and Harbour Commissioners, all books and other documents which have been kept, made, or executed by them, and which if this Act had not been passed would be receivable in evidence, shall be admitted in evidence in all courts of law and equity and elsewhere as if this Act had not been passed.

Books to be evidence.

80. Subject to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Corporation may from time to time enter on, purchase, take, hold, and use such of the lands described in the deposited plans and book of reference as they require for purposes of this Act: Provided that the Corporation shall not enter on, take, hold, or use otherwise than by agreement any lands or property belonging to the Sligo Gas Company or to the Midland Great Western Railway (of Ireland) Company.

Lands.

Power to take lands referenced.

81. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Period for compulsory purchase.

82. The Corporation may from time to time for purposes of this Act purchase by agreement any lands in addition to lands which they are authorized to take by compulsion, and the Corporation may hold the same, not exceeding in the whole at one time ten acres.

Power to take additional lands by agreement.

83. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction, and if it appears to such justices that the omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for the county of Sligo, and shall be kept by

Correction of errors, omissions, &c.

A.D. 1869.

him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

Power to sell, &c. lands not wanted.

84. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any part thereof acquired by them under this Act and not wanted for any purpose thereof, and execute and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition: Provided that no such sale, lease, exchange, or other disposition shall be valid unless it shall have been previously approved by a resolution of the Town Council in favour of which not less than thirteen members thereof shall have voted.

Provision as to houses of labouring classes.

85. The Corporation shall, not less than eight weeks before under the powers of this Act they take compulsorily any houses amounting to fifteen in number, occupied by persons belonging to the labouring classes either wholly or partially as tenants or lodgers, make known their intention to take such houses by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take compulsorily any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have made known their intention to take the same in manner required by this provision, and upon production to any justice of such evidence as he shall think sufficient such justice shall grant such certificate accordingly.

Water.

Power to make water-works and take waters, &c.

86. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs, lines of pipes, alterations, deviations, and other works for supply of water shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may stop up all highways, roads, and ways within the limits of deviation defined on the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for purposes of this Act the sites of the highways, roads, and ways so stopped up.

Period for completion of works.

87. If the works for supply of water authorized by this Act 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 to the Corporation for executing the same, or in relation thereto, shall cease

to be exercised, except as to so much thereof as is then completed; but nothing herein shall restrict the Corporation from extending, enlarging, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires. A.D. 1869.

88. Where the line of any work for supply of water shown on the deposited plans passes along a road, and no limits of lateral deviation are marked thereon, the Corporation may in the construction of the work deviate laterally from the line thereof as shown on the deposited plans to the extent of the boundaries of the road, and elsewhere they may in the construction of the works for supply of water deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon. Limits of lateral deviation.

89. In the construction of the works for supply of water the Corporation may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet upwards or three feet downwards, and in the case of other works to any extent not exceeding ten feet upwards or ten feet downwards. Limits of vertical deviation.

90. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorized by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if reservoirs were therein mentioned instead of the railway, and the boundaries of reservoirs instead of the centre of the railway. Temporary occupation of lands.

91. The Corporation and any persons interested in any springs, streams, or waters authorized to be taken or diverted under this Act may from time to time enter into and execute agreements for the providing of compensation by the Corporation for those persons by means of a supply of water for the use of any of their mills, buildings, or lands. Power to agree for compensation in water.

92. Before the Corporation shall appropriate for the supply of the borough any of the waters of the Doonally river, they shall make such provision as shall be necessary for supplying and shall supply to the Doonally estate not less than fifty thousand gallons of water daily, and to flow constantly at all times, and the following provisions shall be made with respect to such supply: Providing compensation water to the Doonally estate.

1. The said quantity of water shall be delivered at a point in the bed of the Doonally river to be fixed by Roger Charles

A.D. 1869.

Parke, Esquire (in which expression is included the owner for the time being of the said estate), within two hundred yards measured down stream of the northernmost point at which the said river enters the said estate, and in such manner as that the same may be appropriated to the purposes of the said estate as is now the case :

2. The Corporation shall repay to the said Roger Charles Parke the expense (not exceeding one hundred and fifty pounds) incurred by him on the works necessary for conveying from the point aforesaid to his house and premises, lands and demesne, the water so reserved to him :
3. The water so reserved, and the said sum of one hundred and fifty pounds, shall not deprive the said Roger Charles Parke of any claim to compensation, and shall not be deemed to be a compensation for the damage (if any) done to the beauty of his demesne and estate by the drying up of the Doonally river, the loss of fishing, the loss of gravel and stones, the loss (if any) of a mill site on the said river, or the loss sustained by him from the deprivation or diminution of the present supply of water to the Shannon bleach mill stream, the compensation (if any) for which said several matters shall, if not agreed on between him and the Corporation, be determined by arbitration in the manner prescribed by "The Lands Clauses Consolidation Act, 1845," for the settlement of disputed compensation :
4. If any question shall arise between the Corporation and the said Roger Charles Parke as to the method of supplying and of ascertaining the quantity of water herein-before reserved to the Doonally estate, or as to the maintenance of such supply, every such difference shall from time to time be settled by the arbitration of an engineer or other fit person to be appointed by the Commissioners of Public Works in (Ireland) upon the application of either party :
5. If the Corporation fails in supplying to the Doonally estate in pursuance of the foregoing provisions fifty thousand gallons of water daily, in the manner herein-before prescribed, they shall pay to the said Roger Charles Parke a penalty not exceeding the sum of two pounds for every day during which such default shall be made after notice of such default shall have been given in writing to the Corporation ; but the said penalty shall not deprive him or his tenants of the right to compensation for damage done to him or them by default in the said supply, such compensation being in case of difference

between the said Roger Charles Parke, or his tenants, and the Corporation, determined by an engineer or other fit person appointed as aforesaid; it being nevertheless the express intention of this enactment that the supply of water herein-before provided for the Doonally estate shall be antecedent to the appropriation of the Doonally river, or of any tributaries thereof, for the supply of the borough :

A.D. 1869.

6. Nothing contained in this Act, and no limitation of the rates which may be levied under the powers of this Act, shall relieve the Corporation from the liability to pay to the said Roger Charles Parke compensation for the damage occasioned to Doonally House or estate by the bursting or the imperfection of any reservoir or other works constructed by the Company for the supply of water.

93. And with respect to the supply of water to the estates of Owen Wynne, Esquire, of Hazlewood in the county of Sligo, and of Major William R. Ormsby Gore respectively (in which expressions are included the respective owners for the time being of the said estates), be it enacted as follows :

Providing compensation water to the estates of Owen Wynne, Esq., and Major W. R. Ormsby Gore.

1. Before the Corporation shall appropriate for the supply of the borough any of the waters of the Rathbraghan or Doonally river they shall make such provision as shall be necessary for supplying, and shall at the expense of the Corporation supply, to the said estates a quantity of water equal to that now used by the tenants thereof respectively, such water to flow constantly in the bed of the said river, unless otherwise agreed on between them respectively and the Corporation :
2. The water so reserved shall not deprive the said Owen Wynne or William R. Ormsby Gore of any claim to compensation and shall not be deemed to be a compensation for the damage (if any) done to the beauty of their demesnes and estates, or to any residence thereon, by the abstraction of water from the said river, the loss of fishing, the loss of gravel and stone, the loss (if any) of a mill site on the said river, or the loss sustained by the said Owen Wynne from the deprivation or diminution of the present supply of water to the Black's bleach mill and the Rathbragan corn mill, the compensation (if any) for which said several matters shall if not agreed on between them respectively and the Corporation be determined by arbitration in the manner prescribed by the Lands Clauses Consolidation Act, 1845, for the settlement of disputed compensation :

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

3. If any question shall arise between the Corporation and the said Owen Wynne or the said William R. Ormsby Gore as to the method of supplying and of ascertaining the quantity of water herein-before reserved to their respective estates, or as to the maintenance of such supply, every such difference shall from time to time be settled by the arbitration of an engineer or other fit person to be appointed by the Commissioners of Public Works in Ireland upon the application of either party :
4. If the Corporation fails in supplying to the said estates in pursuance of the foregoing provisions water daily in the manner herein-before prescribed, they shall pay to the said Owen Wynne and William R. Ormsby Gore or their respective tenants such penalty as shall from time to time be determined by an arbitrator to be appointed as last aforesaid for every day during which such default shall be made, but the said penalty shall not deprive them and their tenants of the right to compensation for damage done to them or any of them by default in the said supply, such compensation being in case of difference determined by an arbitrator appointed as aforesaid, it being nevertheless the express intention of this enactment that the supply of water herein-before provided for the said estates shall be antecedent to the appropriation of the said river or of any tributaries thereof for the supply of the borough :
5. The Corporation shall make at their own expense good and effectual fences between the estates of the said Owen Wynne and those of Major William R. Ormsby Gore and of Roger Charles Parke, Esquire, wheresoever the boundary between the said estates is destroyed by the abstraction of water under the powers of this Act :
6. There shall be reserved to the said Owen Wynne and to the said William R. Ormsby Gore the right of fishing in the said river, and also in the reservoir hereby authorized to be constructed, subject nevertheless to the use by the Corporation of the water of the river, and subject also to their full control over and with respect to the reservoirs.

As to costs
of Mr.
Wynne and
Mr. Parke.

94. The costs, charges, and expenses of the said Owen Wynne not exceeding one hundred and fifty pounds, with respect to the Sligo Borough Improvement Bill, 1868, and the costs, charges, and expenses of the said Roger Charles Parke not exceeding seventy pounds, in respect of the same bill, together with their reasonable

[32 & 33 VICT.] *The Sligo Borough Improvement* [Ch. cxlvii.]
Act, 1869.

costs, charges, and expenses with respect to this Act, shall be paid by the Corporation. A.D. 1869.

95. After the completion of the waterworks the Corporation shall supply free of charge water for domestic purposes to the inhabitants of the borough as defined for municipal purposes before the passing of this Act, and the Corporation may supply water for the use of the inhabitants for the time being of the borough as extended by this Act, and the limits of the borough as so extended shall be the limits of this Act with respect to the supply of water. Supply of water and limits of Act.

96. Section 44 of The Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom. Supply of water to houses of ten pounds value or under.

97. Within three calendar months after the completion of the waterworks by this Act authorized the Corporation shall erect for the free use of the inhabitants of Sligo at least twenty public fountains, and ten watering-troughs for the use of cattle, in such streets or public places within the borough as the Corporation shall think fit. Public fountains.

98. Notwithstanding anything contained in the thirty-fifth section of "The Waterworks Clauses Act, 1847," the Corporation shall not be required to supply water constantly at the pressure therein described if prevented from doing so by unforeseen accident or the cleansing of their reservoirs. Providing for unforeseen accident.

99. Notwithstanding anything in this Act, it shall not be obligatory on the Corporation to furnish a supply of water to any person in respect of any land for which he is assessed under this Act on part only of the annual value thereof. Water supply to lands not fully assessed.

100. The Corporation may supply any person with water for other than domestic purposes on such terms as they and he agree on, but (notwithstanding any such agreement, unless thereby otherwise specially provided,) no person shall be entitled to such a supply whenever and as long as the Corporation are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act, and every such agreement shall (except as aforesaid) be by virtue of this Act determinable by the Corporation on three months notice in writing. Water for other than domestic purposes.

101. The Corporation may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure. Power to supply water by measure.

A.D. 1869.
Regulations
for prevent-
ing waste of
water.

102. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation the following provisions shall have effect; namely,

- (1.) The Corporation may from time to time make such byelaws as they think expedient for the objects aforesaid, to be observed by persons supplied with water :
- (2.) By any such byelaws the Corporation may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for carrying, delivering, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water :
- (3.) The Corporation shall not be bound under any agreement, or otherwise, to supply or to continue to supply water to any person, unless such byelaws as are for the time being in force are duly observed by him :
- (4.) In case of the failure of any such person to observe such byelaws as are for the time being in force, the Corporation may, if they think fit, after eighteen hours notice in writing, enter and by or under the direction of their duly authorized officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made.

Notice of
disconti-
nuance.

103. Notice to the Corporation for the discontinuance of the supply of water shall not be of any effect, unless it is in writing and is left at the office of the Corporation in the Town Hall.

Incoming
tenant not
liable for
arrears of
water rent.

104. Where any consumer of water supplied by the Corporation fails to pay any water rent or meter rent due from him, a succeeding tenant of the building or lands in respect of which the supply was given shall not be liable for such rent, unless he agreed with the former tenant to pay the same or to exonerate him from payment thereof.

105. The Corporation may supply water for any purpose to any person beyond the boundary of the borough on such terms and conditions as they and he from time to time agree on, but not so as to interfere with the proper supply of water within the borough.

A.D. 1869.

 Power to supply water beyond borough.

106. On any sale by the Corporation of any lands, they may reserve to themselves all or any part of the water or water rights, or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions, with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Reservation of water rights, &c. on sale.

Gas.

107. The Corporation may by agreement purchase from the Gas Company and the Gas Company may sell to the Corporation the undertaking, property, and rights of the Company, for such consideration and on such terms and conditions as are agreed on by the Corporation and the Company, and approved by a fit person to be appointed by the Commissioners of Public Works in Ireland for the purpose.

Power for Corporation to buy undertaking of Gas Company.

108. The sale by the Gas Company of their undertaking, property, and rights to the Corporation shall be carried into effect by a deed of transfer, duly stamped (truly stating the consideration), and on the execution thereof by the Company the undertaking, property, and rights of the Company shall by virtue thereof and of this Act become and the same shall thenceforth be transferred to and vested in the Corporation for all the estate and interest of the Company therein (which is in this Act referred to as the transfer).

Transfer of undertaking of Gas Company by deed.

109. The receipt of any three of the directors of the Gas Company for the purchase money of their undertaking indorsed on such deed of transfer shall be a sufficient discharge to the Corporation for the same, and the Corporation shall not be bound to see to the application or be answerable for misapplication or nonapplication thereof.

Receipt of three directors a discharge.

110. All debts, rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding which at the time of the transfer are due or owing from or pending or existing against the Gas Company, shall be paid, discharged, settled, and satisfied by them, and they shall, if required by the Corporation, on or before receiving the purchase money for their undertaking, either produce to the Corporation valid and sufficient receipts and discharges for or evidence of settlement and satis-

Company's debts, &c. to be paid by them.

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. — faction of the same, or give to the Corporation sufficient security for the due payment, discharge, settlement, and satisfaction of the same, or of such of them as are not then paid, discharged, settled, and satisfied, and for the indemnity of the Corporation against the same.

Corporation to be primarily liable for Company's debts unpaid.

111. If at any time after the transfer any claim is lawfully made for any debt, rent, rate, charge, or sum of money which at the time of the transfer is due or owing from the Gas Company, but is not paid or discharged by them, the Corporation shall be primarily liable to satisfy such claim, without prejudice to any remedy over against the Company under any security given by the Company to the Corporation, or otherwise.

Pending actions, &c. against Company.

112. If at the time of the transfer any action, suit, or proceeding is pending against the Gas Company, the same shall not abate or be discontinued by reason of the transfer or of anything in this Act, but the same may be continued and prosecuted against the Corporation as and when it might have been continued and prosecuted against the Company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the Company under any security given by the Company to the Corporation, or otherwise.

Causes of action, &c. against Company.

113. If at the time of the transfer any cause of action, suit, or proceeding is existing against the Gas Company, the same shall not be in anywise prejudicially affected by the transfer or by anything in this Act, but the same may be enforced against the Corporation as and when it might have been enforced against the Company if this Act had not been passed, but not further or otherwise, without prejudice to any remedy over against the Company under any security given by the Company to the Corporation, or otherwise.

Application of purchase money for gasworks.

114. The Gas Company shall hold the purchase money of their undertaking, property, and rights, when paid, and all other money for the time being belonging to them, on trust to pay and discharge thereout all their debts and liabilities, and to distribute the residue among the shareholders of the Company, their executors, administrators, or assigns, rateably and according to their priorities, and the directors of the Company may exercise all powers necessary for paying and discharging the debts and liabilities, distributing the assets, and winding up the affairs of the Company.

Company's books evidence as to shareholders.

115. The persons who appear in the books of the Gas Company to be proprietors of shares in the capital of the Company shall, unless the contrary is proved to the satisfaction of the directors of

the Company, be considered to be shareholders of the Company for A.D. 1869.
the purposes of the distribution of the Company's assets.

116. When and as soon as the debts of the Company have been paid, and their assets have been distributed in manner aforesaid, and their affairs have been wound up, the Company shall be by virtue of this Act dissolved. Company to be dissolved.

117. From and after the transfer the Gas Company's Act shall be read and have effect as if in sections 33, 34, 35, 37, and 38 thereof the Corporation were named instead of the Company, and the Corporation may also supply gas to any person beyond the boundary of the borough on such terms and conditions as they and he from time to time agree on, but not so as to interfere with the proper supply of gas within the borough. Powers of Corporation as to gas manufacture and supply.

118. The price to be charged by the Corporation for gas supplied to persons who shall burn the same by meter shall not exceed six shillings per thousand cubic feet. Limiting price of gas.

119. Where any consumer of gas supplied by the Corporation fails to pay any gas rent or meter rent due from him, a succeeding tenant of the building or lands in respect of which the supply was given shall not be liable for such rent, unless he agreed with the former tenant to pay the same or to exonerate him from payment thereof. Incoming tenant not liable for arrears of gas or meter rent.

120. From and after the transfer the Corporation shall provide a place within the borough (in this Act referred to as the testing place) wherein they shall provide and keep all proper apparatus, machinery, and instruments for testing, and so situate and arranged as to test the illuminating power, purity, and pressure of all gas supplied by them. Provision of testing place.

121. All gas supplied by the Corporation shall be at the testing place of such illuminating power as to produce from an Argand burner of the nature and measurements in this Act described consuming at the rate of not more than five feet of gas per hour a light not less in intensity than that produced by fourteen uncased sperm candles of six to the pound, each burning at the rate of one hundred and twenty grains per hour. Illuminating power.

122. The Argand burner shall be of the description known as Sugg's steatite burner, with fifteen holes, and the measurements of the several parts of the burner shall be as follows; namely, the external diameter of the burner shall be one inch and one tenth of an inch, the internal diameter thereof shall be half an inch, each of

A.D. 1869. — the fifteen holes shall be one twentieth part of an inch in diameter, the chimney shall be seven inches high, and the rest for the gallery which holds the chimney shall be one inch below the top of the burner.

Complaint
by consumer
and order of
justices.

123. Any consumer of the gas supplied by the Corporation may make complaint to two justices with respect to the illuminating power of the gas, and the justices on hearing the parties, or in the absence of the Corporation (on default of their appearance on summons), and after causing the gas to be tested at the testing place, if they think fit may, if it appears to the justices that the complaint or any part thereof is well founded, make an order declaring that the complaint, or such part thereof, is well founded, and ordering that the Corporation do remove within a reasonable time specified in the order the ground of complaint, or that some specific act be done by the Corporation for that purpose within a reasonable time so specified, and the justices may in any event make any order as to the costs and expenses of either party, including the remuneration of any person employed to conduct the testing, and all orders so made shall be final and binding on all parties, and if the Corporation fail to comply with any such order they shall be liable to a penalty not exceeding five pounds for every day during which such failure continues.

*Markets,
Fairs, and
Slaughter-
houses.*

—
Power to
establish
markets and
fairs and
slaughter-
houses.

124. With respect to markets and fairs and the providing of slaughter-houses within the borough, the Corporation shall, subject to the provisions for making compensation herein-after contained, have the following powers and duties; (namely,)

- (1.) They may from time to time provide proper market places and market houses for the sale of marketable commodities and animals, and places for fairs, with proper approaches, works, and conveniences :
- (2.) They may establish and hold markets and fairs :
- (3.) They may from time to time provide proper slaughter-houses, with all necessary fittings and conveniences :
- (4.) They may demand and receive from persons selling, offering, or exposing for sale commodities or cattle in the markets or fairs, or using the buildings or conveniences in the markets or fairs, or frequenting the fairs or using the weighing houses or places, weights, measures, scales, or machines in the markets or fairs, or using the slaughter-houses, tolls, stallages, rents, fees, and charges not exceeding the amounts thereof respectively specified in the fourth schedule to this Act :

(5.) They may alter or discontinue any market or fair, and enlarge, improve, alter, or remove any market place or market house, or any place for fairs, or any approach, work, or convenience connected therewith, or any weighing house or place, or any slaughter-house : A.D. 1869.

(6.) For the purposes aforesaid they may from time to time purchase by agreement or take at a rent on lease for a life or lives renewable for ever, or on lease for ever, any lands (in addition to any lands which they are otherwise authorized to take and hold), or appropriate any lands for the time being belonging to them or under their control.

125. From and after the commencement of this Act it shall not be lawful for any person or any body other than the Corporation, by virtue of any Act, grant, charter, prescription, custom, or otherwise, to set up or hold within the borough any market or fair not held therein at or before the passing of this Act. Prohibition
of new mar-
kets, &c.

126. Subject and according to the provisions of this Act and of any Act incorporated wholly or in part with this Act, the Corporation before but not after the first day of July one thousand eight hundred and seventy-two may, after the expiration of one month from notice duly published in the Dublin Gazette, and in at least one newspaper published and circulating within the said borough, acquire and take into their own possession and control absolutely any tolls, rents, stallages, fees, or charges lawfully leviable or levied within the borough for markets or fairs, or for weighing, or for butter-tasting, and all rights, privileges, and franchises relating thereto vested in or acquired by any person or body under or by virtue of any Act of Parliament, or any grant, charter, prescription, custom, or otherwise (all which matters and things are herein-after referred to as "market rights"), first and as a condition precedent to any such acquiring or taking, making to Owen Wynne, Esquire, and to all other persons interested therein, full compensation for such acquiring or taking, and the title to and the amount of such compensation shall, in case of difference, be ascertained and determined in like manner as the title to the amount of compensation for lands now used for the purposes of a market or fair, and compulsorily taken or injuriously affected by the Corporation under this Act; but in case any such market rights are taken by agreement then the amount of compensation shall be subject to the approval of a fit person to be appointed by the Commissioners of Public Works in Ireland: Provided always, that in acquiring or taking, whether compulsorily or by agreement, any such market rights exercised or

A.D. 1869. — enjoyed by the said Owen Wynne, or by any person claiming, deriving, or holding through, from, or under him, or on his behalf, and also in ascertaining and determining the amount of compensation for the same or any of them payable to him or to any such person, due regard shall be had to, and nothing in this Act contained shall in anywise alter, vary, injuriously affect, or prejudice the *prima facie* right, title, estate, and interest of the said Owen Wynne or any such person to and in any such market rights at any time before or at the passing of this Act: Provided that nothing in this Act contained shall be held a waiver of the claim or right (if any) of the Corporation to appoint the weigh-master of butter and taster of butter for the borough of Sligo, if legally entitled to do so before the passing of this Act.

For protection of existing rights.

127. Provided always, that until the Corporation have under this Act acquired and made compensation for all the tolls, rents, stallages, fees, charges, rights, and privileges in the last preceding section mentioned, they shall not establish or hold any market or fair within the borough for the sale of the following commodities or animals, or any of them; (that is to say,)

Barley, wheat, oats, Indian corn or other grain, meal, flour, bran, potatoes, butter, turnips, mangold wurzel, vegetables of any description, hay or straw, horses, asses, bullocks, cows, calves, or other horned cattle, goats, sheep, pigs, fowl, game, hares, or rabbits.

Lands connected with market to be purchased.

128. Provided also, that if the Corporation acquire any tolls, rents, stallages, fees, charges, rights, or privileges as aforesaid, they shall, if required in writing by the person entitled thereto, purchase at the same time also the market place, market buildings, or fair ground (as the case may be) used at the commencement of this Act by such person for the purposes of the market or fair to or with which such tolls, rents, stallages, fees, charges, rights, and privileges are incident or connected.

Compensation to Mr. Wynne for lands.

129. The purchase money or compensation to be paid to Owen Wynne, Esquire, his heirs or assigns, or other the owner or owners thereof, for all lands and rights and interests in lands, market places, market houses, weighing-bridges, sheds, and appurtenances thereunto belonging, purchased or taken by the Corporation pursuant to the last preceding section, shall be ascertained according to the provisions for ascertaining the purchase money or compensation to be paid by railway companies in Ireland for the lands required for their undertakings contained in The Railways Act (Ireland), 1851, The Railways Act (Ireland), 1860, and The Railways Act (Ireland),

1864, respectively; and in the event of any traverse of the award of the arbitrator under the provisions of the said Acts the same shall be tried by a special jury to be taken from the grand panel of the county, exclusive of any juror upon the said panel who shall reside or be seised, possessed of, or entitled to any rateable property within the said borough as by this Act extended or defined, which the sheriff or one of the coroners for the county shall duly summon and empanel upon receiving ten days notice in writing from the Corporation or the said Owen Wynne, his heirs, executors, administrators, or assigns, or such owner or owners as aforesaid; and the judge before whom any such traverse shall be tried is hereby authorized, if he shall think fit, at the request of either party to the said traverse, to reserve in such manner as to him shall seem most convenient or expedient all questions of law arising upon the trial of such traverse for the final decision of Her Majesty's Court of Queen's Bench in Ireland, and thereupon all further proceedings in relation to the said traverse shall be stayed until the judgment and decision of the said court shall have been pronounced. A.D. 1869.

130. On the taking of any such tolls, rents, stallages, fees, and charges by the Corporation, and after they shall have made full compensation as provided by this Act, all right to levy the same shall be extinguished, and on the taking of all such tolls, rents, stallages, fees, and charges by the Corporation the right to levy any tolls, rents, stallages, fees, or charges within the borough in respect of markets, fairs, weighing, measuring, or butter-tasting, shall be vested in the Corporation exclusively under this Act. Extinguishment of tolls, &c. purchased.

131. The Corporation, after they shall have made full compensation as provided by this Act, may by a resolution in favour of which not fewer than thirteen members of the Town Council shall have voted, from time to time demise for any term not exceeding seven years the whole or any part of the tolls, stallages, and rents receivable in respect of the markets and fairs held by the Corporation, or their weighing houses or places or slaughter-houses, or any of them. Power to let tolls of markets, &c.

132. In case the Corporation by virtue of this Act prohibit the holding of any market or fair, or the hawking, display, or sale of anything in any street, public place, or elsewhere, then and in every such case the Corporation shall make full compensation to all persons entitled to the right of holding such market or fair or of granting any licence or authority for such hawking, display, or sale, and the title to and amount of such compensation shall be determined in like manner as the title to and amount of compensation Compensation to persons interested.

[Ch. cxlvii.] *The Sligo Borough Improvement Act, 1869.* [32 & 33 VICT.]

A.D. 1869. — for lands compulsorily taken or injuriously affected by the Corporation under this Act.

Appoint-
ment of
butter
weigher and
taster.

133. The Corporation, after they shall have made full compensation as provided by this Act, may appoint one person as weighmaster and another person as taster of butter, or they may appoint one person to fill both those offices, and as regards both or either of those offices they may from time to time cancel any such appointment at pleasure, and may reappoint to the office so vacated, and they may make any such appointment, subject to such conditions as to the application of the revenue to be derived therefrom as they think proper (so that any revenue derived therefrom to the Corporation become part of the borough fund), but nothing in this Act shall authorize the Corporation or any officer appointed by them to take any fees not for the time being authorized to be taken by the general statutes for the time being in force in Ireland relating to the weighing and tasting of butter.

Byelaws
for butter
market.

134. The Corporation, after they shall have made full compensation as provided by this Act, may from time to time make byelaws for the better regulation and management of the butter market in the borough.

Port Dues.

—
Alteration
of dues.

135. From and after the commencement of this Act such of the dues enumerated in the schedule to the Harbour Act of 1846 as are set forth in the third schedule to this Act (Part I.) shall be repealed, and it shall be lawful for the Harbour Commissioners to levy dues not exceeding in amount those set forth in the same schedule (Part II.).

Town Hall.

—
Saving for
rights of
Commis-
sioners in
Town Hall.

136. Nothing in this Act shall take away or prejudicially affect any right or benefit at the passing of this Act enjoyed by the Town and Harbour Commissioners in relation to the Town Hall, and notwithstanding this Act the Harbour Commissioners shall be entitled to the use and enjoyment of the Town Hall for the purposes of the execution of their duties with respect to the port and harbour to the same extent as the Town and Harbour Commissioners would have been entitled thereto if this Act had not been passed.

Fire.

—
Power to
provide for
police sta-
tions, &c.

137. The Corporation may establish and maintain a fire brigade, and provide and maintain fire police stations and engine houses, and other offices and buildings proper for a fire brigade establishment, and may from time to time repair and enlarge the same, and purchase by agreement any buildings or lands for fire police stations, engine houses, and firemen's dwellings, and other buildings or lands necessary for fire police purposes, with all proper conveniences, and

appropriate for those purposes, and repair, alter, and enlarge, any buildings or lands for the time being vested in them. A.D. 1869.

138. The Corporation may from time to time provide and maintain such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen, on such terms, and allow them such wages and such rewards for exertion in case of fire, and make such byelaws for the government of the fire brigade establishment of the borough, as they think fit. Power to provide fire engines, firemen, &c.

139. Where any fireman or other person discharged from the fire brigade establishment continues to occupy any building provided for the purposes of that establishment after one week's notice in writing from the Corporation to quit and deliver up the possession thereof, any justice may on proof of such notice, by warrant, authorize any constable to enter upon such building and remove such fireman or other person and his family therefrom, and deliver the possession thereof to the Corporation, and any constable may proceed according to the warrant. Discharged firemen or servants may be turned out of possession of houses.

140. Any constable of the borough, or of the fire brigade of the borough, or any officer or other person appointed by the Corporation, may enter, and, if necessary, break into any building in the borough being or reasonably supposed to be on fire, or any building or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building, or for protecting the same, or rescuing any person or property therein from fire. Power to enter and break open premises in case of fire.

141. If any person wilfully sets on fire any chimney he shall be liable to a penalty not exceeding five pounds, but shall not be thereby exempt from liability to be indicted for felony, and if any chimney takes fire accidentally the occupier of the building or the part thereof to which such chimney belongs shall be liable to a penalty not exceeding ten shillings, unless he proves to the satisfaction of the justice before whom the case is heard that the fire was in nowise owing to omission, neglect, or carelessness of himself or his servants. Penalties as to chimneys on fire.

142. If any person makes within the borough lucifer matches or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling house, he shall be liable to a penalty not exceeding ten Restriction on making of fireworks, &c.

A.D. 1869. pounds, and to a further penalty not exceeding five pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Life Buoys.

Power to provide drags, life buoys, &c.

143. The Corporation may from time to time provide and maintain drags, life buoys, and other implements for the prevention of drowning, and employ such persons as superintendents and servants for that purpose, on such terms, and allow them such wages and rewards for exertion, and make such byelaws for their government, as the Corporation think fit.

Artizans Dwellings.

Power to erect, fit up, and let lodging houses, &c. for working classes.

144. The Corporation may from time to time, on lands taken by them by agreement, erect improved dwelling or lodging houses for mechanics, labourers, and other persons of the working and poorer classes, and supply the same with water and other necessaries, and let the same to such mechanics, labourers, and other persons of the working and poorer classes for such periods not exceeding in any case one year, and at such weekly or other rents not exceeding in any case five shillings a week, as they from time to time think fit: Provided that the Corporation shall not in the erection of such dwelling or lodging houses expend out of the monies to be borrowed under the powers of this Act any sum or sums exceeding in the whole three thousand pounds.

Byelaws.

Regulation as to byelaws.

145. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall have effect; (namely,)

- (1.) Nothing in this Act shall authorize the Corporation to make any byelaw repugnant to law or to this Act:
- (2.) All byelaws shall be reduced into writing and be under the common seal of the Corporation:
- (3.) The Corporation may by any byelaw impose penalties for offences against the same not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:
- (4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:
- (5.) A byelaw shall not take effect until it is allowed by the Lord Lieutenant (who may allow or disallow the same as he thinks proper), and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by notice, the publication whereof is completed not less than one month before the making of such application, and for one month at least before such application a copy of the proposed byelaw shall be kept at the Town Hall and be open during office hours thereat to the

inspection of the ratepayers of the borough without payment, and the town clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer applying for the same on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Corporation, then at such reasonable price not exceeding twopence for each copy as the Corporation direct :

A.D. 1869.

- (6.) All byelaws when allowed shall be printed with the date at which they are made, and the town clerk shall keep a printed copy thereof at the Town Hall, and all persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy signed by the town clerk of all byelaws for the time being in force to every person applying for the same on payment by him of such sum not exceeding sixpence for every such copy as the Corporation direct, and a printed copy signed by the town clerk of the byelaws for the time being in force relative to any particular subject to every person applying for the same on payment by him of such sum not exceeding threepence for every such copy as the Corporation direct :
- (7.) Proper extracts from the byelaws painted or placed on boards may be set up and kept exhibited in places to which such extracts relate, or in such places as the Corporation think fit :
- (8.) A printed copy of byelaws dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be evidence of the existence and of the due making and allowance of such byelaws without proof of the signature of the town clerk.

146. With respect to the borough fund the following provisions shall have effect ; (namely,)

*Borough
Fund and
Rate.*

- (1.) From and after the commencement of this Act there shall be paid to the treasurer, and by him on receipt carried to the borough fund, the rents and profits of the lands of the Corporation, and all such rents and profits of lands as are under this Act or otherwise for the time being receivable by the Corporation, or any member or officer thereof as such, and all money belonging or payable to the Corporation, or any member or officer thereof as such (except money borrowed under the authority of this Act), including the following particulars ; (namely,)

*Regulation
of borough
fund.*

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

All money in the hands of the treasurer at the commencement of this Act;

All money payable for purchase money or consideration for and fines on lands sold, leased, exchanged, or disposed of, gas rents, water rents, tolls, rents, and stallages, fees for licences, and fines and penalties inflicted under this Act or under the Municipal Corporation Acts (except as otherwise therein provided);

but this enumeration of certain particulars shall not restrict the generality of the description before given in this section :

- (2.) Out of the borough fund there shall be paid all the expenses of the execution by the Corporation of the Municipal Corporation Acts and of this Act (including the sinking fund and the interest of the debt for the time being of the Corporation), and of any Act for the time being in force in the borough (relative to baths, wash-houses, bathing places, libraries, museums, schools of science and art, and burial grounds, or any of them, or any other matter) the execution whereof devolves on the Corporation : Provided that all money received by the Corporation in respect of purchase money or consideration for and fines on lands sold, leased, exchanged, or disposed of, shall not be applied by the Corporation otherwise than in paying off any mortgage debt for the time being owing by the Corporation, or in making permanent improvements in the borough, and any money so paid off shall not be reborrowed :
- (3.) In case the borough fund is at any time more than sufficient to pay the expenses aforesaid the surplus thereof shall be applied under the direction of the Council for the public benefit of the inhabitants or improvement of the borough.

Power to
levy borough
rate.

147. In case the borough fund is at any time insufficient to pay the expenses aforesaid, the Council shall from time to time, annually or oftener, as and when they think fit, estimate as correctly as may be the amount in addition to the borough fund which will be sufficient to pay the expenses aforesaid, and shall raise the same by means of a rate called the borough rate, and accordingly such a rate the Corporation shall, annually or oftener, as and when they think fit, make, assess, and levy according and subject to the following provisions ; (that is to say,)

- (1.) They shall make, assess, and levy the borough rate on the occupiers of all such kinds of property as by the laws in force for the time being are assessable to any rate for the

relief of the poor according to the annual value of such property : A.D. 1869.

(2.) The owner of any tithes or tithe commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodland, market garden, or nursery ground, and the occupier of any land covered with water or used only as a canal or towing-path for the same, constructed or used under the powers of any Act of Parliament for public traffic, shall be assessed in respect of the same in the proportion of one half part only of the annual value thereof :

(3.) All houses and buildings which now are or hereafter may be situated within the limits of the borough as extended by this Act, and at a distance exceeding two hundred yards from any public gas lamp, or exceeding one hundred yards from any main pipe of the Corporation for supplying water, shall not be liable to the payment of rates under this Act exceeding in the whole in any year one half part of the rate or sum of five shillings in the pound by this Act authorized on the rateable value of such houses and buildings : Provided that the Corporation shall not be compelled to supply gas or water to such houses and buildings while the same continue rated to the extent of such one half part only.

148. And whereas the Midland Great Western Railway (of Ireland) Company have at considerable expense provided at their Sligo station a supply of water for the purposes of their undertaking, and will not be benefited by the expenditure on waterworks by this Act authorized : Therefore that Company shall be assessed to the borough rate in respect of their railway in the proportion of one fourth part only of the annual value thereof. Rating of
Midland, &c.
Railway.

149. Nothing in this Act shall authorize the Corporation to levy a rate or rates exceeding in the whole in any year the sum of five shillings in the pound (including therein the sum of threepence in the pound now leviabie under the Act 3 & 4 Vict. c. 108.) on the aggregate rateable value of lands and other rateable property within the borough, for which purpose any sum levied by the grand jury of the county by way of county cess on failure of the Corporation to pay the contribution of the borough under this Act shall be considered as levied by the Corporation : Provided that until a bonâ fide contract previously approved by an engineer or other fit person to be appointed by the Commissioners of Public Works in Ireland shall Limitation
of rates.

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. have been entered into by the Corporation for the construction of the waterworks by this Act authorized pursuant to a resolution of the Town Council in favour of which not less than thirteen members thereof shall have voted, it shall not be lawful for the Corporation to levy any rate or rates exceeding in any year the sum of four shillings and sixpence in the pound on such rateable value as aforesaid: Provided also, that nothing in this Act shall exempt the Corporation from any liability to make full compensation to the grand jury on behalf of the county and to all parties interested for all damages that may happen to be caused to property of the county, or of any owner, occupier, or other person injuriously affected by reason of the bursting of any reservoir, pipe, or other work being part of or connected with the waterworks by this Act authorized, or to pay any sum assessed on the borough by the grand jury for all ascertained and certified damages arising from malicious injuries.

Saving for exemption as to rating.

150. Nothing in this Act shall take away or prejudicially affect any exemption or privilege in respect of assessment or rating to which any body or person are or is by law entitled.

Produce of borough rate to be carried to borough fund.

151. All money levied by means of the borough rate shall be paid to the treasurer, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

Other provisions as to borough fund and rate, &c. excluded.

152. From and after the commencement of this Act the provisions of the Municipal Corporation Acts relative to the creation of a borough fund, and to the levying of borough rates and watch rates, and the provisions of any Act authorizing the levying of rates for the purposes of baths and wash-houses, and bathing places, libraries and museums, schools of science and art, and burial grounds, shall cease to apply or to be applicable to the borough.

Rates may be prospective or retrospective.

153. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred within six months before the making of the rate.

Power to rate owner instead of occupier in cases described.

154. The owner instead of the occupier of property may from time to time at the option of the Corporation be rated in the following cases; (namely,)

- (1.) Where the rateable value of the property rated does not exceed the sum of four pounds;
- (2.) Where buildings or lands are let to weekly or monthly tenants;
- (3.) Where buildings are let in separate apartments;

A.D. 1869.

(4.) Where the rents become payable or are collected at any shorter period than quarterly ;
subject to the following provisions ; namely,

(1.) Where the owner is rated instead of the occupier, he shall be assessed on such reduced estimate as the Corporation deem reasonable of the net annual value, not being less than two thirds or more than four fifths thereof :

(2.) Where such reduced estimate is in respect of tenements, whether occupied or unoccupied, then such assessment may be made on one half of the amount at which such tenements would be liable to be rated if the same were occupied and the rate were levied on the occupier.

155. Subject to the provisions of this Act, the annual value of all property rateable under this Act shall on every occasion of a rate being made be ascertained according to the then next preceding assessment for the relief of the poor within the borough.

Value of property to be ascertained according to poor rating.

156. The Council may cause all or any of the books or assessments of rates for the relief of the poor within the borough to be produced before them, and may cause a copy thereof or of any part thereof to be taken without payment, and if any person in whose custody or power any such book or assessment is fails when required to attend the Council therewith, or to permit the Council to cause to be taken a copy thereof or of any part thereof, he shall be liable to a penalty not exceeding ten pounds.

Power for Council, &c. to inspect parish rate books.

157. If any rateable property being unoccupied at the time when the rate for the relief of the poor is made afterwards becomes occupied, the Corporation may cause a valuation to be made of the annual value thereof, and a rate to be made upon the owner or occupier thereof as from the time of its becoming occupied, as if the same had been included in the then next preceding assessment for the relief of the poor.

Power to levy rates in respect of property not included in the poor rate.

158. Every rate made under the authority of this Act shall be fairly transcribed in a book, and shall be sealed with the common seal of the Corporation, and no allowance, publication, or other formality whatever other than such as is expressly prescribed by this Act shall be requisite to the validity of any such rate.

Form of rate.

159. Where the name of any owner liable to be so rated is not known after diligent inquiry to the officer of the Corporation by whom the rate book is made, it shall be sufficient for such officer to rate such owner in the rate book as the owner of the property to be rated, by the designation of "the owner," without stating his name.

Owner may be rated without stating his name.

[Ch. cxlvii.] *The Sligo Borough Improvement Act, 1869.* [32 & 33 VICT.]

A.D. 1869.

Notice of rate to be given.

160. Notice of every rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Corporation by placards posted in some public places within seven days next after the rate is made.

Rate to be open to inspection of ratepayers.

161. Immediately after any rate is made the same shall be open to the inspection of any person rated at all reasonable times, and any such person may take copies of or extracts from such rate without payment, and if the person having the custody of such rate does not permit any person rated to take such copies or extracts he shall be liable on summary conviction to a penalty not exceeding five pounds.

Power to amend rates.

162. The Corporation may from time to time amend any rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by making such other alterations therein as will make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative, and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of the amendment given to him.

Rates may be recovered by action or distress.

163. If any person fails to pay the amount due by him in respect of any rate, the Corporation may recover the amount with the costs and expenses by proceeding in any court of competent jurisdiction, or any justice may on the application of the Corporation summon such person to appear before him or any other justice at the time to be mentioned in the summons to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment of such rate is not shown the same with such costs as to the justice seem reasonable may be levied by distress, and such justice may issue his warrant accordingly: Provided always, that if sufficient distress cannot be found within the borough whereon to levy the said rate and costs, and it so appears, upon oath, before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates due from owner may be re-

164. If the amount due by any owner of property in respect of any rate is not paid by him within three months after it becomes

due, the Corporation may recover that amount from the occupier for the time being of such property, to the extent of the rent at that time due from him, as if he had been originally liable to pay the same, and the occupier may deduct the amount so paid by him from any rent payable by him to such owner.

A.D. 1869.
—
covered from occupier.

165. When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier, and if any other person becomes the owner or occupier of the property during any part of such period, such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Rates made for a certain period to be apportioned.

166. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may by warrant under the hand of a justice (which warrant a justice is hereby authorized and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same), distrain the goods and chattels of such person and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Recovery of rates from persons removing.

167. The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

Rate books to be evidence.

168. The Corporation from time to time may borrow money at interest for purposes of this Act not exceeding in the whole the sum of fifty thousand pounds, and not exceeding for the purposes of waterworks alone the sum of twenty-five thousand pounds as portion of the said sum of fifty thousand pounds, and may mortgage the borough fund as a security for the repayment thereof.

Borrowing.
—
Power to borrow on security of borough fund.

169. Money borrowed by the Corporation under this Act shall be carried to the borough fund, but shall be treated as capital, and a separate account of the receipts and payments, credits and liabilities, of the Corporation in respect thereof shall be kept by the Corporation, and the treasurer of money so borrowed shall be such bank as the Council from time to time by writing under the corporate

Separate account of money borrowed and special treasurer.

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. seal of the borough appoint, and no part of such money shall be drawn out of such bank except on cheques or orders signed by such three members of the Council as the Council for that purpose from time to time in like manner appoint.

Provision for a sinking fund.

170. If the Corporation shall not sooner provide for repayment of principal monies borrowed under this Act by means of a sinking fund or otherwise, they shall, from and immediately after the expiration of ten years from the time or times at which they shall have borrowed any sum or sums of money under this Act, set apart every year out of the rates to be levied under this Act a sum equal to one hundredth part of every sum or sums so borrowed, together with a sum equal to the interest which would have accrued during the preceding year on the amount of debt from time to time paid off, and the sums so set apart shall form a sinking fund and be accumulated at compound interest until the same shall be applied in repayment of the principal monies so borrowed at such time or times and in such amounts as may be agreed upon between the lenders of such monies and the Corporation.

Power to re-borrow.

171. If the Corporation pay off any part of any money borrowed by them, or of the mortgage debt transferred to them by this Act, otherwise than by means of a sinking fund or out of purchase money or fines, they may reborrow the same amount, and so from time to time.

Approval of borrowing by Town Council.

172. The Corporation shall not borrow any money under the powers of this Act except with the previous approval of the Town Council by a resolution in favour of which not less than thirteen members shall have voted.

Transfer of mortgage debt.

173. From and after the passing of this Act the mortgage debt of two thousand pounds contracted by the Town and Harbour Commissioners under section 126 of the Town and Harbour Act of 1803, shall be transferred to the Corporation, and shall be a charge on the borough fund over and above any money borrowed under this Act, and all securities for the same while respectively subsisting shall have priority to all charges on the borough fund made after the commencement of this Act, and the Corporation may from time to time, if it appears to them expedient for the better execution of this Act, and with the consent of any creditor of the Corporation, cancel any security given in respect of any part of the mortgage debt of two thousand pounds, and issue to the holder thereof another security in substitution for the same and with the like priority.

A.D. 1869.

174. The powers of the Town and Harbour Commissioners under sections 58 to 62 of the Town and Harbour Act of 1803, relating to watching, are hereby transferred to and vested in the Corporation.

Watching.
Transfer of powers as to watching.

175. The Corporation shall at all times have full and free access to the books, accounts, papers, and documents of the Town and Harbour Commissioners in the possession of the Harbour Commissioners as far as the same respectively relate to the town and its precincts.

Miscellaneous.
Access to books, &c.

176. The receipt of the Corporation in writing under their common seal for any money, effects, or property by this Act transferred from the Town and Harbour Commissioners to the Corporation shall be an absolute discharge to the Town and Harbour Commissioners and to the Harbour Commissioners from the money, effects, or property therein expressed to be received, and from all responsibility in respect of the application thereof.

Receipts of Corporation to be discharge to Commissioners.

177. In case any difference arises between the Corporation and the Harbour Commissioners respecting any debt, liability, money, effects, or property by this Act transferred to the Corporation, or respecting any incident of the transfer by this Act made to the Corporation, the same shall be referred to an arbitrator appointed from time to time as occasion requires on the application of either party by the chairman of quarter sessions for the county, and the decision of the arbitrator shall be final and binding on both parties, and the costs of the arbitration shall be in the discretion of the arbitrator, and the reference may be made a rule of a superior court at Dublin, and the award shall not be set aside for irregularity or error in matter of form.

Arbitration between Corporation and Commissioners.

178. No officer of the Corporation shall be qualified to be an alderman or councillor, and no officer of the Harbour Commissioners shall be qualified to be a Harbour Commissioner, and no alderman or councillor shall be entitled to receive any emolument or pecuniary advantage in respect of any services rendered by him to the Corporation, save such as are by statute now allowed to be received by him, and no Harbour Commissioner shall be entitled to receive any emolument or pecuniary advantage in respect of any services rendered by him to the Harbour Commissioners.

Disqualification of officers, &c.

179. The Corporation or person who shall make application to the Commissioners of Public Works in Ireland for the appointment of any arbitrator or person to act under the powers of this Act shall pay such sum or sums, and at such time or times, as

Payment of expenses of persons appointed by Commissioners of

[Ch. cxlvii.] *The Sligo Borough Improvement Act, 1869.* [32 & 33 VICT.]

A.D. 1869. the said Commissioners shall from time to time order or direct for the purpose of defraying the expenses consequent on such appointment.

Public Works under this Act.
Mode of publication of notices.

180. Where the Corporation, or the mayor, or the Harbour Commissioners, are or is by this Act authorized or required to publish any notice, they or he shall do so by inserting the same as an advertisement once at least in each of two successive weeks in some one and the same newspaper published within the borough, or if there is none then within the county, or if there is none then in some one and the same daily newspaper published in Dublin, and such publication shall be deemed to be completed on the day on which the second of such advertisements appears: Provided that before any meeting of the Town Council shall be convened for any of the following purposes, that is to say, to approve of the exercise of the borrowing powers by this Act authorized, to approve of the sale, lease, or exchange of land, or to approve of any contract for construction of waterworks under the powers of this Act, notice of such meeting shall be published once at least in each of three successive weeks in two different newspapers of the description hereinbefore contained, but no resolution of the Town Council for any of the purposes aforesaid shall have effect until it has received the approval in writing of the Lord Lieutenant of Ireland.

Saving rights of the Crown in the foreshore.

181. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Harbour Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her heirs or successors.

Saving for salmon fishery.

182. Nothing in this Act shall authorize the Corporation to interfere with or prejudicially affect the salmon fishery of the river Garvogue, or the rights of any owner, lessee, or occupier thereof for the time being, and nothing in this Act shall authorize the Corporation to interfere with the water power of the river Garvogue or with the bed and soil of that river without the previous consent in writing of the owner thereof for the time being.

183. Two thirds of the costs, charges, and expenses of and incidental to the passing of this Act shall be paid by the Corporation out of the first money to be received by them by virtue of this Act, and the other one third of such costs, charges, and expenses shall be paid by the Harbour Commissioners out of any monies to be received by them by virtue of this Act.

A.D. 1869.
Expenses of
Act.

A.D. 1869.

The **SCHEDULES** to which the foregoing Act refers.

THE FIRST SCHEDULE.

An Act for repealing so much of an Act made in the third year of the reign of King George the Second, intituled "An Act for cleansing the ports, harbours, and rivers of the city of Cork and of the towns of Galway, Sligo, Drogheda, and Belfast, and for erecting a ballast office in the said city and each of the said towns," as relates to the port and harbour of the town of Sligo, and for repealing an Act made in the fortieth year of the reign of His present Majesty, intituled "An Act for paving, cleansing, lighting, and improving the streets, quays, lanes, and passages in the town of Sligo in the county of Sligo, for establishing a nightly watch in the said town, for supplying the said town with pipe water, and for improving and regulating the port and harbour thereof," and for making better provision for the paving, lighting, watching, cleansing, and improving of the said town of Sligo, and for regulating the porters and carmen employed therein, and for the better regulation and improvement of the port and harbour thereof.

THE SECOND SCHEDULE.

Sections 58 to 62 (both inclusive), relating to watching.

Sections 85 to 125 (both inclusive), and 127, relating to the port and harbour.

Section 126, relating to the borrowing of money for purposes of town improvement.

Sections 128 to 132 (both inclusive), 134, 135, and 137, relating to the pecuniary affairs of the Commissioners.

Section 136 and section 138 to the end, relating to miscellaneous matters.

[32 & 33 VICT.] *The Sligo Borough Improvement* [Ch. cxlvii.]
Act, 1869.

THE THIRD SCHEDULE.

A.D. 1869.

(PART I.)
 DUES REPEALED.

	s.	d.
Bacon, per bale	0	1
„ per tierce	0	1
„ in bulk, per ton	0	6
Candles, per box	0	0½
Coffee, raw, per cwt.	0	1
„ roasted, per cwt.	0	1½
Guano, per ton	0	3
Herrings, per barrel	0	0½
„ per half barrel	0	0¼
Hops, per pocket or bag	0	4
Hams, per hogshead	0	4
„ per tierce	0	3
„ in bulk, per ton	0	6
Iron bars, per ton	0	3
„ castings, ditto	0	4
„ hoops or rods, ditto	0	4
„ pigs, ditto	0	0½
Leather, per package	0	3
Lard, per firkin	0	0½
„ per keg	0	0¼
„ per hogshead	0	4
„ per tierce	0	3
„ per bladder	0	0¼
Linen, per package	0	4
Malt, per ton	0	4
Mustard, per keg	0	0¼
Pianofortes, each	1	0
Plank, per load of 50 cubic feet	0	2
Soap (black), per firkin	0	0½
Staves (pipe), per 120, above 50 inches long	0	4
„ „ per 120, under 50 inches long	0	4
„ hogshead, per 120	0	1½
„ barrel, per 120	0	1
Slates, per ton	0	0½
Timber :		
Deals	per load	
Ends	per 120	
Battens	per 120	
Batten ends	per 120	
	} per 50 cubic feet	0 2
Wine, per pipe	0	9
„ per hogshead	0	6
„ per case or quarter cask	0	4

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

(PART II.)

DUES SUBSTITUTED.

							s.	d.
Bacon, per ton	-	-	-	-	-	-	1	0
Biscuits, per ton	-	-	-	-	-	-	0	6
Candles, per box	-	-	-	-	-	-	0	1
Coffee, per cwt.	-	-	-	-	-	-	0	2
Guano, per ton	-	-	-	-	-	-	0	6
Herrings, per barrel	-	-	-	-	-	-	0	1
„ per half barrel	-	-	-	-	-	-	0	0½
Hops, per pocket or bag	-	-	-	-	-	-	0	6
Hams, per ton	-	-	-	-	-	-	1	0
Iron bars, per ton	-	-	-	-	-	-	0	6
„ castings, ditto	-	-	-	-	-	-	0	6
„ hoops or rods, ditto	-	-	-	-	-	-	0	6
„ pigs, ditto	-	-	-	-	-	-	0	1
Leather, per cwt.	-	-	-	-	-	-	0	2
Lard, per firkin	-	-	-	-	-	-	0	1
„ per keg	-	-	-	-	-	-	0	0½
„ per hogshead	-	-	-	-	-	-	0	6
„ per tierce	-	-	-	-	-	-	0	4
Linen, per package	-	-	-	-	-	-	0	6
Malt, per ton	-	-	-	-	-	-	0	6
Mustard, per package	-	-	-	-	-	-	0	2
Pianofortes, each	-	-	-	-	-	-	2	6
Soap (black), per firkin	-	-	-	-	-	-	0	1
Spirits, per hogshead	-	-	-	-	-	-	0	6
Staves (pipe), per 120	-	-	-	-	-	-	0	6
„ hogshead, per 120	-	-	-	-	-	-	0	3
„ barrel, per 120	-	-	-	-	-	-	0	2
Starch, per ton	-	-	-	-	-	-	0	9
Slates, per ton	-	-	-	-	-	-	0	2
Wood:								
Timber	-	-	-	per load				
Deals	-	-	-	per 120				
Ends	-	-	-	per 120	} per 50 cubic feet	0	6	
Battens	-	-	-	per 120				
Batten ends	-	-	-	per 120				
Mahogany, per 50 cubic feet	-	-	-	-		-	1	0
Rosewood, ditto ditto	-	-	-	-	-	1	0	
Walnut or other wood for furniture, ditto ditto	-	-	-	-	-	1	0	
Wine, per pipe	-	-	-	-	-	1	0	
„ per hogshead	-	-	-	-	-	0	9	
„ per case	-	-	-	-	-	0	6	

THE FOURTH SCHEDULE.

A.D. 1869.

(PART I.)

TOLLS FOR SHOPS, STALLS, &c. IN MARKETS.

BUTCHERS STALLS.

For every butcher's stall, according to the dimension of the same, namely, for every lineal foot of the frontage thereof, and so in proportion for less than a foot :

	£	s.	d.
If let by the year, any sum not exceeding - - -	1	0	0
If let by the half year, any half-yearly sum not exceeding - - -	0	10	0
If let by the quarter, any quarterly sum not exceeding - - -	0	5	0
If let by the week, any weekly sum not exceeding - - -	0	0	6
If otherwise let or occupied, for every market or other lawful day any daily sum not exceeding - - -	0	0	3

SHOPS.

For every enclosed shop for the sale of butcher's meat, game, poultry, fish, vegetables, fruit, china, glass, earthenware, baskets, hardware, or other marketable commodities, according to the size and dimensions of the shop, namely, for every lineal foot of the frontage thereof, and so on in proportion for less than a foot :

If let by the year, any yearly sum not exceeding - - -	1	10	0
If let by the half year, any half-yearly sum not exceeding - - -	1	0	0
If let by the quarter, any quarterly sum not exceeding - - -	0	10	0
If let by the week, any weekly sum not exceeding - - -	0	1	0

STANDS OR BENCHES.

For every stand or bench, according to the size or dimensions of the same, namely, for every superficial square foot or fraction of a superficial square foot thereof :

If let by the year, any yearly sum not exceeding - - -	0	2	0
If let by the half year, any half-yearly sum not exceeding - - -	0	1	0
If let by the quarter, any quarterly sum not exceeding - - -	0	0	6
If let by the week, any weekly sum not exceeding - - -	0	0	4
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - -	0	0	2

GROUND SPACE.

For every compartment or space on the surface of the ground, according to the size and dimensions of the same, namely, for every superficial square foot or fraction of a superficial square foot thereof :

If let by the year, any yearly sum not exceeding - - -	0	2	0
If let by the half year, any half-yearly sum not exceeding - - -	0	1	0
If let by the quarter, any quarterly sum not exceeding - - -	0	0	6
If let by the week, any weekly sum not exceeding - - -	0	0	3
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - -	0	0	1

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

(PART II.)

WHOLESALE MARKET AND GENERAL TOLLS.

	£	s.	d.
For every waggon or cart drawn by one horse used by every person for exposing or in which shall be exposed to sale any marketable commodity (except butter, grain of any kind, meal, flour, wool, Carrigeen moss, and scutched flax), for every market day or other lawful day any sum not exceeding - - -	0	0	6
If drawn by two or more horses - - - - -	0	1	0
For every load weighing 1 cwt. or upwards of flax, potatoes, turnips, or fish carried on the back of any horse, mule, donkey, or other animal which shall be exposed for sale - - -	0	0	2
For every such load weighing less than 1 cwt. - - -	0	0	1
For every load of vegetables, hay, or grass carried in the same manner - - - - -	0	0	1
For every load of Carrigeen moss carried in the same manner, for each 24 stone or less - - - - -	0	0	2
Articles or things exposed for sale otherwise than in waggons or carts, or on the back of any animal, and not in any shop or stall, or on any bench, standing, or space of ground rented from the Corporation :			
Animals, each horse - - - - -	0	0	6
„ each cow or bullock over two years old - - -	0	0	4
„ each cow or bullock under two years old - - -	0	0	3
„ each sheep, lamb, kid, goat, veal, or slink calf - - -	0	0	1
Butter, each cask, firkin, or case of - - - - -	0	0	2
„ each roll or lump of - - - - -	0	0	0½
Barrow, each wheelbarrow or handbarrow - - - - -	0	0	1
Bark, each ten cwt. or less quantity of - - - - -	0	0	3
Baskets, creels, or wickerwork, for each dozen or less quantity of - - - - -	0	0	2
Beesons, each dozen of - - - - -	0	0	0½
Carrigeen moss, per each twenty-four stone or less quantity - - - - -	0	0	2
Cloth, each piece of hair cloth or druggot - - - - -	0	0	1
Dillisk, each sack or creel, or less quantity of dillisk or cranagh - - - - -	0	0	2
Earthenware, each cwt. of - - - - -	0	0	4
Freize or flannel, each piece of - - - - -	0	0	1
Flax scutched, each one cwt. or less quantity - - - - -	0	0	2
Flax seed, per barrel or bag - - - - -	0	0	2
„ per hogshead - - - - -	0	0	4
Fat, each cake of - - - - -	0	0	1
Flour, each cwt. or less quantity of - - - - -	0	0	2
Fish, each 1 cwt. or less quantity of fish, or shellfish - - - - -	0	0	2
Feathers, each stone of - - - - -	0	0	1
Grain, malt, barley, oats, rye, Indian corn, grain of any kind except wheat or meal, per each 24 stone or less quantity - - - - -	0	0	2
„ wheat or flour, per each 20 stone or less quantity - - - - -	0	0	2
Hoops or twigs, each half-dozen of bundles, or any less quantity - - - - -	0	0	2

[32 & 33 VICT.] *The Sligo Borough Improvement* [Ch. cxlvii.]
Act, 1869.

	£	s.	d.	A.D. 1869.
Herrings, each barrel of - - - - -	0	0	2	—
Hide, kip, or runner, each - - - - -	0	0	1	
Hay, each cart load - - - - -	0	0	6	
„ each horse load - - - - -	0	0	2	
„ each ass load - - - - -	0	0	1	
Leather, each 10 cwt. or less quantity of tanned leather -	0	0	4	
Lemons, each one hundred, or less quantity - - - - -	0	0	2	
Loy, shafts, spade or other handles, noggins, or any turned or tin ware, per dozen, or any less quantity - - - - -	0	0	1	
Ladders, each - - - - -	0	0	1	
Meat, each carcase or less quantity of beef - - - - -	0	0	4	
„ „ „ of mutton, veal, or pork - - - - -	0	0	1	
„ each quarter or less quantity of bacon - - - - -	0	0	1	
Meal, each 1 cwt. or any less quantity of meal of any kind -	0	0	2	
Mats, each 2 dozen or less quantity of - - - - -	0	0	2	
Oranges, each one hundred or less quantity of - - - - -	0	0	2	
Pigs, each - - - - -	0	0	1	
Plants, each one thousand, or less quantity of plants - - - -	0	0	1	
Quicks, each one thousand, or less quantity - - - - -	0	0	1	
Trees or shrubs, each bundle - - - - -	0	0	0½	
Skins, each calf or goat skin - - - - -	0	0	0½	
„ each horse, mule, or ass skin - - - - -	0	0	1	
„ each dozen of rabbit or hare skins - - - - -	0	0	0½	
Straw, each cart load - - - - -	0	0	6	
„ each horse load - - - - -	0	0	2	
„ each ass load - - - - -	0	0	1	
Vegetables, each 1 cwt. or less quantity of potatoes or vegetables of any kind - - - - -	0	0	0½	
Wool, each pack - - - - -	0	0	10	
„ each sack - - - - -	0	0	2	

(PART III.)

WEIGHING AND MEASURING TOLLS.

If weighing in the Fair Green or markets not more than 28 lbs. avoirdupois - - - - -	0	0	0½
If more than 28 lbs. and not more than two hundredweight -	0	0	1
And for every entire hundredweight or portion of a hundred- weight not less than half a hundredweight over two hundred- weight - - - - -	0	0	0½
For measuring every quantity of things sold by measure :			
If not exceeding one bushel - - - - -	0	0	0½
If exceeding one bushel and not exceeding two bushels -	0	0	1
For every bushel beyond two bushels - - - - -	0	0	0½
For weighing every waggon or cart, if loaded - - - - -	0	0	3
„ „ if unloaded - - - - -	0	0	2

[Ch. cxlvii.] *The Sligo Borough Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

(PART IV.)

FAIR TOLLS.

	£	s.	d.
For every bull, or cow, or heifer exposed for sale in Fair Green, if over 2 years old - - - - -	0	0	4
" " " " if under 2 years old - - - - -	0	0	3
For every horse, mare, or gelding - - - - -	0	0	6
For every mule or ass - - - - -	0	0	3
For every sheep, lamb, or goat - - - - -	0	0	1
For every hog or pig - - - - -	0	0	1
For the use of a pen for sheep or pigs, whether sold or not, for each sheep, hog, or pig - - - - -	0	0	0½
For space for stands, cars, drays, show boxes for sale of articles, space not exceeding six superficial feet - - - - -	0	0	4
Any extra space per superficial foot - - - - -	0	0	1
For every booth if not above 30 square feet - - - - -	0	1	0
For every cart, waggon, or dray in which anything is sold or offered for sale, per day - - - - -	0	1	0
For every truck, barrow, or other small vehicle, per day - - - - -	0	0	3
For every carriage, gig, tax-cart, car, or other vehicle for driving which may be exposed for sale, per day - - - - -	0	1	0
For every dray or cart exposed for sale - - - - -	0	0	6
For every implement of husbandry or for farming use which can- not be carried in the hand, for each day exposed to sale - - - - -	0	0	6
For every hawker or pedlar, or other person selling or offering or exposing for sale any article whatever within the Fair Green by hand or otherwise, per day or fraction of a day - - - - -	0	0	3
For every auctioneer offering or exposing for sale any goods in the Fair Green, per day or part of a day - - - - -	0	2	6

(PART V.)

SLAUGHTER-HOUSE TOLLS.

For every ox, cow, or bullock - - - - -	0	1	0
For every calf - - - - -	0	0	6
For every sheep or lamb - - - - -	0	0	6
For every hog or pig - - - - -	0	0	6
For any other beast - - - - -	0	1	0