



CHAP. cxcviii.

An Act for the Improvement of the Local Government of the town of Newry ; for the construction and maintenance of new Waterworks ; for supplying Water to the said Town and Neighbourhood ; and for other purposes. A.D. 1871.

[14th August 1871.]

WHEREAS the town of Newry in the counties of Down and Armagh is a town in which "The Towns Improvement (Ireland) Act, 1854," (in this Act referred to as the principal Act) is in force, and under that Act Commissioners for the improvement of the said town have been elected, and are now in office (who are in this Act called the Commissioners) :

And whereas the said town of Newry is an improving town, and the population thereof has of late years increased and is increasing :

And whereas it is desirable that the making, maintaining, and managing of roads, footways, and bridges within the town of Newry should be transferred from the grand juries of the counties of Down and Armagh to the Commissioners :

And whereas it is expedient that the Commissioners should be empowered to establish markets and fairs, and slaughter-houses, and to regulate the use of the same, and that for such purposes they should be empowered to purchase all existing rights of holding markets or fairs in the said town :

And whereas it is expedient that divers powers for the better local government of the town of Newry should be conferred on the Commissioners, and that better provisions and further facilities should be made for the assessment and levying of rates in the said town, and for the borrowing of money for the purposes of the principal Act and of this Act.

And whereas the Commissioners have lately, under the authority of the principal Act, purchased waterworks, formerly known as

A.D. 1871. Hallewell's waterworks, established for supplying the town of Newry with water, and are using the same for such supply accordingly, but the supply therefrom is inadequate to the requirements of the town :

And whereas the supply of water from Camlough River in the neighbourhood of the said town is during certain parts of the year insufficient and irregular, and certain mills and factories near the said town which derive therefrom the supply of water necessary to move the machinery within such mills and factories cannot by reason of such insufficiency and irregularity continue their works and undertakings :

And whereas during the summer months there is frequently in the Newry Canal an insufficient depth of water for the navigation of the same :

And whereas by the construction of certain catchwater drains and embankments and other works a good and sufficient supply of water for the inhabitants of the town of Newry, for the effective working of the said mills and factories, and for improving the navigation of the Newry Canal, can be obtained from the Camlough Lake, and certain streams in the vicinity thereof :

And whereas it is expedient that the works necessary for affording such supply be constructed accordingly, and that other provisions respecting such supply be made :

And whereas it is expedient that the Commissioners be empowered to increase the supply of water to the town by means of water to be delivered to them from the works to be constructed as aforesaid :

And whereas plans and sections of the proposed waterworks, showing the lines, situation, and levels thereof, and plans describing the lands proposed to be taken for the purposes of this Act, with a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited in the office at Armagh of the clerk of the peace for the county of Armagh and in the office at Downpatrick of the clerk of the peace for the county of Down, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference :

But these objects cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PRELIMINARY.

A.D. 1871.

1. This Act may for all purposes be cited as "The Newry Improvement and Water Act, 1871." Short title.

2. This Act shall consist of two parts :

Act to consist of two parts.

Part I. Relating to the improvement of the local government of the town of Newry :

Part II. Relating to the construction, maintenance, and cost of new waterworks.

PART I.

LOCAL GOVERNMENT OF TOWN OF NEWRY.

3. "The Towns Improvement (Ireland) Act, 1854," (in this Act referred to as the principal Act), so far as not inconsistent with this part of this Act, and this part of this Act shall, as regards the town of Newry, be construed together as one Act. 17 & 18 Vict. c. 103. to be construed with Act.

4. "The Markets and Fairs Clauses Act, 1847," "The Waterworks Clauses Acts, 1847 and 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Act (Ireland), 1851," as the same is amended by "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act" (save so far as any of the sections and provisions of those Acts respectively are expressly excepted or are varied by this part of this Act) are incorporated with this part of this Act. Provisions of general Acts herein named incorporated.

5. The several words and expressions to which by the Acts in whole or in part incorporated with this part of this Act meanings are assigned, have in this part of this Act the same respective meanings, unless excluded by the subject or context; and in this part of this Act the term "the Commissioners" means "the Town Commissioners of Newry;" and the word "town" means "the town of Newry," as defined under the provisions and for the purposes of the principal Act; and for the purposes of the distribution and supply of water under this part of this Act, the Commissioners shall be deemed to be the undertakers within the meaning of "The Waterworks Clauses Acts, 1847 and 1863," respectively; and for the purposes of this part of this Act, the expressions "the Company" and "the railway," in other Acts incorporated with this Act, shall respectively be taken to mean the Commissioners, and the property to be acquired by them for the purposes of this part of this Act; and the term "the Grand Jury Acts" in this part of this Act means the Act of the session of the sixth and seventh years of the reign of King William the Fourth (chapter one hundred and Same meanings to words in incorporated Acts as in this Act.

A.D. 1871. sixteen), "to consolidate and amend the laws relating to the pre-
— "sentment of public money by grand juries in Ireland," and all
Acts for the time being in force amending the same, or otherwise
relating to grand juries in Ireland; and the term "public works" in
this part of this Act includes all such works as the grand juries of
the counties of Down and Armagh respectively have, at the passing
of this Act, power to construct and maintain.

Incorporation of Commissioners.

6. The Town Commissioners of Newry immediately before the passing of this Act, acting in execution of the provisions of the principal Act, shall continue to act in the execution of the principal Act and of this part of this Act, and they and their successors shall be one body corporate by the name of "the Town Commissioners of Newry," and by that name shall have perpetual succession and a common seal, and by that name may be sued, and shall have power to sue, and power to purchase, take, hold, and dispose of lands, goods, chattels, and other property for the purposes, but subject to the restrictions of this part of this Act.

Saving for acts done, rates due, &c.

7. Notwithstanding the incorporation of the Commissioners by this Act,—

- (1.) The Commissioners shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are, at the passing of this Act, seised, possessed, or entitled, as if this Act had not been passed:
- (2.) All acts, works, matters, and things before the passing of this Act done or commenced by the Commissioners under the authority of the principal Act, or under any other Act or authority, and which are at the passing of this Act good, valid, and available, or in progress, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the passing of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, and may be continued and completed, as if this Act had not been passed:
- (3.) All actions, suits, prosecutions, or other proceedings, by or against the Commissioners, by reason of any matter or thing done before the passing of this Act, in execution of or in relation to the principal Act, may be continued, commenced, or prosecuted by or against the Commissioners, as if this Act had not been passed:
- (4.) All mortgages and other securities granted by the Commissioners before the passing of this Act may be transferred as if this Act had not been passed:

- (5.) All rates and rents at the commencement of this Act due or accruing due to the Commissioners may, from and after the passing of this Act, be collected and recovered by the Commissioners, as if this Act had not been passed : A.D. 1871.
(6.) All books and documents shall be receivable in evidence, as if this Act had not been passed.

ELECTION OF COMMISSIONERS.

8. The provisions of the principal Act relating to the election of the Commissioners shall, for the purposes of this part of this Act, be amended in manner following ; that is to say, Election of Commissioners.

(1.) Any person intending to become a candidate, and every person intending to nominate a candidate at any annual election of Commissioners shall, by writing under his hand, left at the office of the Commissioners six days at least before the day for the election, signify his intention to become a candidate, and stating his qualification and place of abode, or, as the case may be, his intention to nominate a candidate, and the name and qualification and place of abode of the candidate intended to be nominated by him : Nomination of candidates.

(2.) No person shall be disqualified from voting in the election of Commissioners on account of his having changed his residence or the premises occupied by him within the twelve months next preceding the first day of January in the year in which any election shall be held, or on account of his having been rated in respect of different premises during different parts of that period of twelve months : Provided that the lands, tenements, or hereditaments occupied by him and in respect whereof he is rated, both before and after such change, shall be of sufficient value respectively to entitle him to vote at such election if there had not been such change of residence, occupation, or rating as aforesaid.

TRANSFER OF POWERS OF GRAND JURIES OF COUNTIES OF DOWN AND ARMAGH.

9. Except as is by this part of this Act otherwise expressly provided, the grand juries of the counties of Down and Armagh shall not have any jurisdiction, power, or authority, with respect to the making, maintaining, or closing of any road, or bridge, or footpath, or in respect of any other public work within the town, save as to existing contracts as by this part of this Act provided, but all roads, bridges, and footpaths within the town shall be Roads, &c. in town exempted from jurisdiction of grand jury, and placed under Commissioners.

A.D. 1871.
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made, maintained, opened, and closed, and all public works within the town shall be made and maintained by the Commissioners at the cost of the town.

Exception of court houses, &c. from transfer.

10. Provided always, that the court houses and bridewells in the town provided for the counties of Down and Armagh respectively shall continue under the control of the respective grand juries of those counties, and be maintained at the expense of those counties respectively, as if this Act had not been passed.

Commissioners to have same power as grand jury for making roads, &c.

11. The Commissioners and their officers shall have, under this part of this Act, the like jurisdiction, power, and authority with respect to the roads, bridges, footpaths, and other public works within the town which the Commissioners are by this part of this Act authorised to make, open, maintain, and close, as by the Grand Jury Acts are at the passing of this Act vested in the grand juries of the counties of Down and Armagh respectively, and their respective officers, subject to this qualification, that applications at presentment sessions shall not in any case be necessary, and subject to the conditions and restrictions affecting those grand juries and their officers respectively under the Grand Jury Acts.

Subsisting contracts for public works within the town vested in Commissioners.

12. All contracts made and entered into by and between any person and the grand jury of the county of Down, or the grand jury of the county of Armagh, or any person on their behalf, for public works wholly within the town, and subsisting at the passing of this Act, shall be and continue in full force; and the Commissioners as representing in that behalf the grand jury, and all such persons respectively, shall be bound by, and be liable to execute and perform and be entitled to enforce all such contracts, other than contracts in respect of the said court houses and bridewells, according to the terms and conditions of the respective contracts, and the grand juries of the counties of Down and Armagh shall respectively be by this part of this Act freed from all liability in respect thereof; and all the powers and authorities which at the passing of this Act are vested in the grand juries of the counties of Down and Armagh respectively, and their respective officers, for the supervision and execution of such works according to the respective contracts, are by this part of this Act transferred to and vested in the Commissioners and their officers, subject to the conditions and restrictions affecting the same under the Grand Jury Acts.

Presentments prior to passing of Act.

13. The amounts of all presentments made by the said grand juries respectively prior to the passing of this Act, except for public works wholly within the town, other than the said court houses and bridewells, may and shall, in so far as the said amounts have not

been levied respectively, be applotted and levied in the same manner as they would have been if this Act had not been passed. A.D. 1871.

14. All contracts made and entered into before the passing of this Act by and between any person and the grand jury of the county of Down, or the grand jury of the county of Armagh, or any person on their behalf respectively, for works partly within and partly without the town, and subsisting at the passing of this Act, shall continue in force and be carried out and performed respectively as if this Act had not been passed. Contracts prior to the Act.

15. Save as by this part of this Act specially provided for, the grand juries of the counties of Down and Armagh respectively shall not after the passing of this Act make any presentments with respect to any road or bridge, or footpath, or other public work within the town, and the town shall not be chargeable with the cost of making or maintaining any road, bridge, or footpath not being within the town. Grand jury not to present for repairing roads, &c. within the town.

16. Except as by this Act is expressly provided, the town shall continue liable, in the same manner as if this Act had not been passed, to contribute towards the several amounts from time to time presented for or in respect of county-at-large purposes by the said grand juries respectively. Provision for county-at-large charges.

17. All expenses hereafter incurred in respect of any road, bridge, footpath, or public work within the town, the amount of which it would be imperative on the said grand juries respectively, or either of them, to make presentment for under any Act or Acts now in force, shall be borne and paid by the Commissioners exclusively, and the said grand juries respectively, or either of them, shall not be bound to make presentment for the same or any part thereof. As to imperative presentments.

18. After the passing of this Act the Commissioners shall bear and pay the expenses of revising the lists of parliamentary voters for the borough, and otherwise relating to the registration of such voters, and the said grand juries respectively shall not present nor pay any sum in respect of such expenses. Expenses of borough voters lists.

19. Provided that all warrants issued by the grand jury of the county of Down and by the grand jury of the county of Armagh before the passing of this Act, for the collection of public moneys off the town, shall remain in full force and effect until the several collections thereunder be fully completed. Warrants in force at commencement of Act to continue.

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Payment of grand jury cess chargeable on the town.

20. The treasurer of the county of Down and the treasurer of the county of Armagh respectively may and shall estimate and apportion the amount to be levied off the town, whether on account of baronial charges or charges on the county at large, and in so doing shall exclude all charges presented by the grand jury from which the town is by this part of this Act exempted, and each of them shall make out a separate warrant or separate warrants for the sum properly assessable upon the town after allowing the exemptions, and as soon as conveniently may be after the making thereof shall deliver at the office of the Commissioners a copy of the warrant or warrants, and the amounts set forth in the warrant or warrants shall be the first charge on the Newry town rate under this part of this Act, and the Commissioners shall pay the same within two months after the delivery of the copy of the warrant or warrants.

Manner of enforcing payment.

21. In case either payment be not made to the treasurer of the county of Down or to the treasurer of the county of Armagh within the prescribed period, such treasurer may and shall thereupon proceed to applot the amount set forth in his said warrant upon the ratepayers of that part of the town within the county of which he shall be treasurer, adding thereto a sum not exceeding two shillings in the pound for the expenses of applotment and collection, and such treasurer shall then forthwith transmit a copy of his said applotment to the collector of the barony, who may and shall thereupon proceed to levy and recover the same in like manner as is provided by, and shall have the like powers of and remedies for collecting, levying, and recovering the same as are given by, the Grand Jury Acts with reference to county cess.

As to remainder of counties and baronies.

22. So far as the said grand juries respectively shall find it requisite for the purposes of any presentments to be hereafter made by them, or of matters preliminary or incidental to such presentments, or of the applotment or levying of the amounts thereof, that portion of the county of Down not within the town may be deemed to be a county, and that portion of the barony of Newry not within the town may be deemed to be a barony, and that portion of the county of Armagh not within the town may be deemed to be a county, and that portion of the barony of Upper Orier not within the town may be deemed to be a barony.

One Commissioner may sit at county-at-large presentment sessions.

23. Such one of the Commissioners for the time being as the Commissioners shall appoint shall be entitled to sit and act as one of the associated cesspayers at every county-at-large presentment sessions for the counties of Armagh and Down respectively, and to represent the town at every such sessions.

POWER TO ACQUIRE LANDS.

A.D. 1871.

24. Subject to the provisions of this part of this Act, the Commissioners may from time to time enter on, purchase, and take such of the lands described in the deposited plans and book of reference as they require for the purposes of this part of this Act.

Power to take lands referenced.

25. Notwithstanding anything in this Act, the Commissioners shall not, under this part of this Act, take any towing-path or other land of the Newry Navigation Company; neither shall they arch, cover over, or interfere with the Newry River opposite to or at any place seaward of that Company's land which is numbered on the deposited plans 1, 2, and 3 in the townland of Ballinlare in the county of Armagh, without the consent in writing of that Company.

Saving for land of Navigation Company.

26. The powers of the Commissioners for compulsory purchase of lands under this part of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

27. The Commissioners may from time to time for any of the purposes of this part of this Act purchase by agreement any lands not exceeding three acres, in addition to lands which they are authorised to take by compulsion.

Power to take additional lands by agreement.

28. The Commissioners shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Commissioners shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Commissioners have made known their intention to take the same in manner herein-before required.

Notice to be given of taking houses of labouring classes.

29. The Commissioners shall not commence any work for arching, covering over, or interfering with the tidal river flowing through the town of Newry until they shall have submitted a plan and other necessary particulars of such work to the Commissioners of Public Works in Ireland, and until such last-mentioned Commissioners shall have signified their approval or given other directions in writing in regard to the plan and particulars within twenty-one days after the same shall have been submitted to them; and the Commissioners shall, in the execution of any such work, comply with and conform to all directions and regulations of the Commissioners of Public Works in Ireland.

Plan of works affecting Newry River to be submitted to Commissioners of Public Works.

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TOWN HALL.

Power to erect town hall, &c.

30. The Commissioners may, upon lands purchased or acquired by them under the authority of this part of this Act, erect and maintain a town hall for the use of the town, and an office for the discharge of the public business relating to the town, together with the conveniences which for such purposes they may deem fit and proper.

Commissioners to have the control of town hall.

31. The Commissioners shall have the sole and entire control, repair, management, and use of such town hall, offices, and premises, and they may use or permit the use of such town hall for any lawful purpose at such times, in such manner, upon such conditions, and for such consideration as they may think proper, but so as not to interfere with the use of such building for the purposes primarily contemplated by this part of this Act.

MARKETS AND FAIRS.

Power to establish markets and fairs and slaughter-houses.

32. With respect to markets and fairs and the providing of slaughter-houses within the town, the Commissioners 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 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:

(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 any term, any lands (in addition to any lands which they are otherwise authorised to take and hold), or appropriate any lands for the time being belonging to them or under their control.

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33. It shall not be lawful for any person or anybody other than the Commissioners by virtue of any Act, grant, charter, prescription, custom, or otherwise, to set up or hold within the town any market or fair not held therein at or before the passing of this Act.

Prohibition
of new
markets.

34. Subject and according to the provisions of this part of this Act, the Commissioners, before but not after the thirty-first day of August one thousand eight hundred any seventy-four, 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 town, acquire and take into their own possession and control, absolutely, any tolls, rents, stallages, fees, or charges lawfully leviable or levied within the town 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 all persons interested therein, if any such there be, 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 Commissioners under this part of 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.

Purchase of
market
rights, &c.

35. Provided always, that until the Commissioners have under this part of 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 town.

For protec-
tion of exist-
ing rights.

36. Provided that if the Commissioners acquire any tolls, rents, stallages, fees, charges, rights, or privileges as aforesaid, they shall,

Lands con-
nected with
market, &c.
to be pur-
chased.

A.D. 1871. 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 immediately before the passing 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.

Extinguish-
ment of tolls,
&c. pur-
chased.

37. On the taking of any such tolls, rents, stallages, fees, and charges by the Commissioners, and after they have made compensation as provided by this part of 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 Commissioners, the right to levy any tolls, rents, stallages, fees, or charges within the town, in respect of markets, fairs, weighing, measuring, or butter tasting, shall be vested in the Commissioners exclusively under this part of this Act.

Power to
let tolls of
markets, &c.

38. The Commissioners, after they have made full compensation as provided by this part of this Act, may from time to time demise for any term not exceeding one year the whole or any part of the tolls, stallages, and rents receivable in respect of the markets and fairs held by the Commissioners, or their weighing-houses or places, or slaughter-houses, or any of them.

Power to
prohibit
unauthorised
markets,
hawking,
&c.

39. The Commissioners may from time to time, by published notice, prohibit the holding within the town of any unauthorised or abolished market or fair, or the hawking, display, or sale of any animals, provisions, merchandise, or things in any of the streets or public places of the town, or elsewhere within the town than in the authorised market places, except in or on private shops, buildings, or lands; and if any person after the completion of the publication of any such notice acts in any respect in contravention thereof he shall for every such offence be liable to a penalty not exceeding five pounds.

Compensa-
tion to
persons
interested.

40. In case the Commissioners by virtue of this part 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 Commissioners shall make full compensation to all persons entitled to the right of holding such market or fair, or of granting any license 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 for lands compulsorily taken or injuriously affected by the Commissioners under this part of this Act.

41. The Commissioners, after they have made full compensation as provided by this part of this Act, may appoint one person as inspector of markets and 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 officers, they may from time to time cancel any such appointment at pleasure, and may re-appoint 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 Commissioners is applied to some one or more of the purposes of this part of this Act); but nothing in this part of this Act shall authorise the Commissioners or any officer appointed by them to take any fees not for the time being authorised to be taken by the general statutes for the time being in force in Ireland relating to the weighing and tasting of butter; and they may also appoint from time to time such other officers and servants as may in their opinion be necessary for the management and control of the markets and fairs by this part of this Act authorised: Provided that during the life of John Henry Knox the Commissioners shall not interfere with him in the exercise of his office of public weighmaster and taster of butter, and tallow weigher, within the manor of Newry in the counties of Down and Armagh, or interfere with the profits and emoluments arising from the said office.

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 Appointment
 of butter
 weigher and
 taster.

42. The Commissioners may from time to time license for any period not exceeding one year any number of porters, basket men, and basket women they think proper, to ply for hire and to be employed in and about market houses and market places and quays in the town, and may require a sum not exceeding two shillings and sixpence to be paid for each such license or renewal thereof; and no person shall ply for hire there as porter, basket man, or basket woman, without such license, under a penalty not exceeding twenty shillings for every such offence: Provided always, that no porter, notwithstanding he shall be licensed by the Commissioners, shall ply for hire or be employed on the quays of the Newry Navigation Company otherwise than in accordance with the byelaws and subject to the regulations of that Company in force for the time being.

Power to
 Commis-
 sioners to
 license
 porters, &c.

BATHS AND WASH-HOUSES.

43. The Commissioners if and when they think fit may erect, or rent or hire any buildings, and fit up and maintain the same, for baths and wash-houses for the use of the inhabitants of the town, and

Power to
 Commis-
 sioners to
 provide
 baths and
 wash-houses.

A.D. 1871. make reasonable charges for the use of the same, and the several provisions applicable for this purpose of the Acts passed respectively in the sessions of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, and in the tenth and eleventh years of the reign of Her present Majesty, chapter sixty-one, relating to baths and wash-houses, are incorporated with this part of this Act.

PUBLIC PARK.

Power to
make a
public park.

44. The Commissioners may make into and maintain as a public park the lands purchased or acquired by them for that purpose under the provisions of this part of this Act, and may for that purpose level, drain, plant, and lay out the same in such manner as to them shall seem fit.

Commis-
sioners may
make bye-
laws as to
public park,
&c.

45. The Commissioners may make byelaws for all or any of the following purposes relating to the public park; (namely,)

For appointing and regulating keepers or servants employed therein :

For regulating the days and hours on or during which the park is to be open or shut :

For regulating the conduct of persons frequenting the park :

For regulating the days on and hours during which games and gymnastics are to be permitted therein :

For regulating the days on and hours during which bands of music or other music are or is to be permitted therein :

For preventing the sale of intoxicating liquors, and regulating refreshment rooms therein, and the days on and hours during which they are to be open or shut, and the nature and price of the articles and things to be sold therein :

For regulating or preventing the admission of dogs therein :

For regulating or preventing the admission of horses and vehicles therein :

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to the park, and for preventing the destruction or injury of aquatic or other birds, animals, trees, plants, shrubs, or flowers, and plucking of flowers and leaves therein :

For enabling the servants of the Commissioners to exclude therefrom drunken and disorderly persons, and persons not being clean, or not being dressed in clean or decent clothes, and to remove therefrom persons guilty of a breach of any byelaws relative thereto, or of any public law.

SUPPLY OF WATER BY COMMISSIONERS.

A.D. 1871.

46. The Commissioners shall supply water for domestic purposes to the inhabitants of the town, and they may also supply water for manufacturing, public, and other purposes in the town, including the cleansing the sewers and drains, cleansing and watering of the streets, and supplying any public fountains, baths, or wash-houses therein, and they shall provide such supply from their present waterworks, and from the water to be delivered to them by the trustees, under Part II. of this Act.

Supply of water by the Commissioners.

47. No water shall be supplied by the Commissioners for manufacturing purposes until they shall have afforded a sufficient supply for domestic and public purposes.

Preferential supply for domestic and public purposes.

48. The water supplied by the Commissioners need not be constantly laid on under pressure.

Supply need not be constant.

49. Section forty-four of "The Waterworks Clauses Act, 1847," shall for the purposes of this part 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.

50. For the protection of the Newry Navigation and the works connected therewith, be it enacted as follows :

For protection of Newry Navigation.

(A.) Before the Commissioners break up any quay, road, towing-path, or other land belonging to the Navigation Company, they shall give to that company notice in writing of their intention so to do, which notice shall be accompanied by a plan, section, and description of the works proposed to be executed by the Commissioners, and such notice shall be given not less than seven days before commencing the proposed works, and such notice shall be given by delivery of the same at the office of the Navigation Company :

(B.) No such quay, road, towing-path, or other land shall be broken up or opened, except under the direction of the engineer of the Navigation Company : Provided always, that if the said engineer fail to attend at the time fixed for the breaking-up of any such quay, road, towing-path, or other land, after due delivery of such notice as aforesaid, or shall refuse or neglect to direct the operation, the Commissioners may perform the work specified in such notice, without the direction of the engineer of the Navigation Company :

(C.) Where any such quay, road, towing-path, or other land shall have been broken up, the Commissioners shall carry on

A.D. 1871.

the works in such manner as shall be prescribed by the engineer of the Navigation Company; and they shall forthwith replace the materials excavated, and fill up and restore the same in a well-rammed and workmanlike manner, and keep the same in repair for two months thereafter, to the satisfaction of the said engineer; and if any undue delay or omission shall take place in completing any works, or in restoring and replacing the land or soil removed in excavating the same, the Navigation Company may cause the works so delayed or omitted to be done to be executed, and the expense of executing the same shall be repaid to the Navigation Company, and may be recovered by them from the Commissioners in any court of competent jurisdiction:

- (D.) The Commissioners shall not commence the execution of any works for carrying any conduit, main, or pipe under or across the Newry Navigation within thirty feet on either side of the said navigation, unless and until the Commissioners shall have delivered to the Navigation Company plans, drawings, and sections of the works, with specifications in writing describing the proposed manner of executing the same, and shall have obtained from the engineer of the Navigation Company a certificate under his hand approving of such drawings, sections, specifications, and proposed manner of executing those works, or, failing such approval, within one month of the delivery to the Navigation Company of such plans and other documents as aforesaid, then a certificate from an engineer to be appointed in that behalf by the Commissioners of Public Works in Ireland on the application of the Commissioners, with due notice to the Navigation Company: Provided always, that in case the engineer of the Navigation Company shall not signify his approval or disapproval of such plans within the time before specified, then it shall be lawful for the Commissioners to proceed with the said works according to the plans and specifications sent to the Navigation Company:
- (E.) The works for carrying any conduit, main, or pipe across or under the said navigation shall be of such dimensions and character, and in such lines, and on such levels as to admit of the same being made and kept in repair without any prejudice or obstruction to the said navigation, or interruption to the traffic thereon:

- (F.) The works affecting the said navigation shall be made and maintained by and at the expense of the Commissioners, in accordance with plans, sections, and specifications to be approved as aforesaid, and under the superintendence and to the reasonable satisfaction of the engineer of the Navigation Company, who from time to time may, at the expense of the Commissioners, appoint and employ such necessary inspectors and watchmen to superintend the execution of the works, and to secure the safety of the said navigation, and the non-interruption of the traffic thereon, as he may think proper : A.D. 1871.
- (G.) The Commissioners shall not, without the consent of the Navigation Company in writing, under their common seal, acquire any part of that company's lands or property, but where any part of the works is to be executed in or upon any land of the Navigation Company, the Commissioners may acquire an easement or right of making and maintaining the work on that land in such manner as not to prejudice any part of the navigation, or the works and conveniences connected therewith, or the passage of traffic upon and along the same :
- (H.) If by reason of the construction, repair, or reconstruction of any of the works by the Commissioners, or by reason of the want of repair, or due and proper maintenance thereof, the said navigation shall be injured or damaged, such injury or damage shall forthwith be made good by the Commissioners at their own expense, or, in the event of their failing to do so, then the Navigation Company may make good the same and recover the expense thereof, with full costs against the Commissioners, in any court of competent jurisdiction ; and if, by such reason as aforesaid, any interruption shall at any time be occasioned to any of the traffic passing to, from, or along the said navigation, the Commissioners shall, on demand, pay to the Navigation Company all costs and expenses to which that company may be put, as well as full compensation for the inconvenience, loss, injury, and damage sustained by them by reason of such interruption, such costs and expenses to be recovered, with full costs of suit, by the Navigation Company, in any court of competent jurisdiction.

RATES.

51. The Commissioners once in every year, computed from the third Wednesday after the passing of this Act, or oftener if they

Power to
levy rates.

A.D. 1871. think it necessary, may make one or more assessment or assessments under the name of the "Newry Town Rate," to be levied by two equal half-yearly instalments, the warrant to be under the seal of the Commissioners, upon the occupiers of all lands, dwelling-houses, shops, stores, vaults, cellars, stables, breweries, manufactories, mills, houses, buildings, yards, places, tenements, hereditaments, and premises, within or partly within the town, according to the yearly value of the same respectively, as ascertained under the Acts relating to the valuation of rateable property in Ireland, so that the assessments shall not in any case exceed three shillings in the pound in the whole in any year.

Power to
levy water
rate.

52. The Commissioners once in every year, computed from the third Wednesday after the passing of this Act, or oftener if they think it necessary, may make one or more assessment or assessments under the name of the Newry water rate, on the occupiers of property rateable to the Newry town rate as follows; (namely,)

- (1.) They may make and levy such a rate or rates on all such property as aforesaid without distinction, to an amount not exceeding threepence in the pound in any year:
- (2.) In case the produce of the rate or rates so made and levied as aforesaid is in any year not sufficient for the purposes for which the Newry water rate is applicable, then and in every such case they may make and levy a further rate or further rates on all property rateable to the Newry town rate, save and except mills and stores separately valued as such, to the extent of not exceeding ninepence in the pound in any year (in addition to the aforesaid amount of threepence in the pound):
- (3.) In case the produce of the rate or rates so made and levied as aforesaid is in any year not sufficient for the purposes aforesaid, then and in every such case they may make and levy a further rate or further rates on all mills and stores rateable to the Newry town rate to the extent of not exceeding ninepence in the pound in any year (in addition to the aforesaid amount of threepence in the pound).

Application
of principal
Act as to
general
assessments.

53. The Newry town rate and the Newry water rate together shall be equivalent to and in lieu of the general yearly assessment directed by section sixty of the principal Act, and the provisions of that section and the other provisions of that Act relative thereto shall (subject to the provisions of this part of this Act) apply to the Newry town rate and the Newry water rate.

54. For the purposes of the Newry town rate and of the Newry water rate section sixty-two of the principal Act shall apply and be read as if the same was herein re-enacted.

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Rating of arable lands, railways, &c.

55. If any person quit or be about to quit any rateable property before he has paid the rates then payable by him in respect thereof, and do not pay the same to the collector on demand, any justice having jurisdiction where such person resides, or his goods are found, may summon such person to appear before him at a time mentioned in the summons, to show cause why the rates should not be paid, and if no sufficient cause for the nonpayment of such rates be shown accordingly, the same shall be levied by distress, and such justice shall issue his warrant accordingly.

Remedy against persons quitting before payment of rates.

56. All money raised by the Newry town rate shall be carried to an account called the Newry town fund.

Newry town fund.

57. All money from time to time standing to the credit of the Newry town fund shall be applied by the Commissioners for the purposes of the execution of this Act, except as far as the same relates to the purchase and supply of water.

Application of town fund.

58. All money raised by the Newry water rate shall be carried to an account called the Newry water fund, and all money received by the Commissioners from the sale of water shall be carried to and form part of the same fund.

Newry water fund.

59. All money from time to time standing to the credit of the Newry water fund shall be from time to time applied for purposes of the execution of the provisions of this Act relating to the purchase and supply of water.

Application of water fund.

60. The Commissioners may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any mortgage debt existing at the passing of this Act, borrow at interest, on the security of the Newry town rate and Newry town fund, and Newry water rate and Newry water fund, any sum not exceeding in the whole thirty-seven thousand pounds, and may mortgage those rates and funds to secure repayment thereof with interest accordingly.

Power to borrow on security of rates, &c.

61. All money borrowed by the Commissioners before the passing of this Act, and charged on the rates leviable by them under the principal Act, is hereby transferred to and charged on the Newry town rate and Newry town fund, and the Newry water rate and Newry water fund, and all mortgages given by the Commissioners before the passing of this Act shall have effect accordingly.

Transfer of charge to town rates, &c.

A.D. 1871.

Arrears may be enforced by appointment of a receiver.

Sinking fund.

Application of money borrowed.

Protection of lenders from inquiry.

Power to re-borrow.

Saving for existing charges.

62. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of principal, or of principal and interest due on their mortgages by the appointment of a receiver, and the amount to authorise a requisition for a receiver is one tenth of the sum secured by all the mortgages.

63. The amount to be set apart in every year by the Commissioners for discharging by a sinking fund, or by instalments, the principal moneys borrowed on mortgage, shall be not less than one sixtieth of the money so borrowed.

64. The Commissioners shall apply all money borrowed by them, under this part of this Act, in the manner and in the order following, and not otherwise; (that is to say,)

First, in paying the costs, charges, and expenses by this Act directed to be paid by them in relation to the obtaining of this Act; and

Secondly, in defraying the expenses of the execution of this part of this Act by the Commissioners, and generally the expenses of the Commissioners in the execution of their duties, and in paying to the Trustees under Part II. of this Act, the money thereby directed to be paid to them, but so that no borrowed money be applied for any purpose other than a purpose for which capital is properly applicable.

65. A person lending money to the Commissioners shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

66. If the Commissioners pay off any part of any money borrowed by them under the principal Act or this Act, otherwise than by means of a sinking fund, or by annual instalments, they may re-borrow the same, and so from time to time.

67. Nothing in this Act shall prejudicially affect any charge, by way of mortgage or otherwise, on the rates leviable by the Commissioners, subsisting at the passing of this Act, and every mortgagee, incumbrancer, or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the rates subject to his charge, as if this Act had not been passed, and all such charges created before the passing of this Act, shall during the subsistence thereof, have priority over any mortgage granted by the Commissioners under this Act.

APPEAL AGAINST RATES.

A.D. 1871.

68. If any person finds himself aggrieved by any rate made by the Commissioners, or has any objection to any person being put in or left out of such rate, or to the sum charged on any person therein, it shall be lawful for such person to appeal to any sessions of the peace, to be held in the presence of the chairman of the court of quarter sessions in and for the county of Down, at Newry, within four calendar months next after the cause of such complaint shall have arisen; or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions.

Power of
appeal
against rates.

The said chairman for the time being shall have power to hear and finally determine the matter of any appeal brought before him under this part of this Act, and shall make such order therein as to him shall seem meet, which order shall be final and conclusive upon all parties; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right: Provided always, that the said chairman, to whom such appeal shall be made, shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any rate, it shall be found necessary to quash or set aside the same, the said chairman shall quash the same, and shall in that case order the Commissioners to make a new rate, and they are hereby required to make the same accordingly.

If, upon the hearing of any appeal from any rate made under this part of this Act, the said chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the said chairman that such person hath, previously to the hearing of such appeal, paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the said chairman shall order all and every such sum and sums of money to be repaid by the Commissioners, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay

A.D. 1871. the same, to be recovered as penalties and forfeitures under this part of this Act.

The person so appealing shall give or cause to be given at least fourteen days notice in writing of his intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the Commissioners, and the said chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal; and if any person appeal against a rate because any other person is rated therein at any greater or less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall give such notice of appeal as aforesaid not only to the clerk of the Commissioners, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall, if he so desire, be heard upon such appeal.

Notwithstanding any such appeal or notice thereof, every rate shall be payable and shall be levied as if no appeal had been made until such rate shall be quashed, granted, or amended.

The said chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such costs to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

AUDIT OF ACCOUNTS.

Appoint-
ment of
auditor.

69. The chairman of the court of quarter sessions of the county of Down shall, in the month of January in the year one thousand eight hundred and seventy-two, and so in every succeeding year, by order under his hand, appoint some fit person to be the auditor of the accounts of the town for the preceding year; and every such auditor shall be paid by the Commissioners, not exceeding three guineas for every day he is fully employed on such audit, and all expenses he is put to in the auditing of such accounts; and the Commissioners may apply for that purpose any moneys coming to their hands by virtue of this Act.

The auditor so appointed shall, on or before the first day of February in the year one thousand eight hundred and seventy-two, and so in every succeeding year, give public notice by advertisement

in one or two newspapers circulating in the town, of the time and place of the audit of such accounts, such time to be not earlier than the fifth or later than the tenth day of February, and the auditor at the place and on the day so named, and from time to time, shall proceed with the said audit, and the Commissioners shall, by their clerk, produce and lay before such auditor all books, papers, and writings in their custody or power relating thereto, and any person interested in the accounts, either as a creditor of the Commissioners or as a ratepayer, may be present at the audit of the said account, by himself or his agent, and may object to any item in or any part of the said accounts, or to the mode in which the same are kept, or to any matter or thing relating thereto: Provided that the audit of such accounts shall be completed during the said month of February in every year.

The auditors shall disallow every item of account contrary to law, and surcharge the same upon the person making or authorising the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made; and any person aggrieved by such disallowance may appeal therein to the court of quarter sessions in manner provided by the forty-first section of the principal Act, and for the purposes of the said appeal the certificate of the auditor shall be deemed to be an order of the Commissioners.

Every sum certified to be due from any person by the auditor shall be paid by such person to the Commissioners within fourteen days after the same shall have been so certified, unless there be an appeal against the decision; and if such sum shall not be so paid, and there be no such appeal, the auditor shall recover the same, with costs, from the person against whom the same shall have been certified to be due, by action in any of the superior courts of record in Dublin, or by civil bill in the court of proper jurisdiction.

For the purpose of any audit of accounts under this part of this Act, the auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or

A.D. 1871. — papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

Within fourteen days after the completion of the audit, the auditor shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners, who shall cause the same to be deposited in the office of the Commissioners for inspection by any creditor, ratepayer, or other person interested therein, and they shall publish an abstract of the account, and the auditor's report thereon, in some one or more newspapers circulating in the town.

If the auditor at any time in his report as aforesaid recommends an alteration in the mode of keeping the accounts of the town, or in making out the statement and account thereof, and the Commissioners neglect or refuse to direct such alteration to be made, it shall be lawful for the auditor and he is hereby required to transmit a copy of such report to the said chairman, who may, if it appear to him just and reasonable, by order direct such alteration in whole or in part or otherwise, as he may think fit, to be made in the mode of keeping the accounts or of making out the statement thereof as aforesaid, and thereupon the Commissioners shall cause such alteration to be made, and such accounts to be kept accordingly.

APPLICATION OF FINES AND PENALTIES.

Application
of fines and
penalties.

70. All fines and penalties recovered under the provisions of this part of this Act (except from the Commissioners), shall be awarded and paid to the Commissioners, and shall be applied by them to the purposes of this part of this Act.

STREET REGULATIONS.

Regulating
the convey-
ance of heavy
merchandise
through the
town.

71. Every person having charge or care of any waggon, cart, spring cart, or dray, or other carriages used for the conveyance of heavy merchandise, such as coals, corn, or timber, who rides on the shaft of such conveyances, or sits on the top of his loading, or who drives his horse or other animal when laden at a more rapid pace than a walk, or who, with or without loading, drives furiously when passing through the town, shall be subject to a fine not exceeding twenty shillings, or to imprisonment for any period not exceeding fourteen days, with or without hard labour, at the discretion of the justice or justices before whom he may be convicted.

BYELAWS.

A.D. 1871.

72. In addition to the byelaws which the Commissioners are authorised to make under the provisions of the principal Act and the Acts incorporated in this part of this Act, they may from time to time, when and as they shall think fit, in like manner and subject to the like conditions as are prescribed by the principal Act in relation to the making of byelaws, make byelaws for all or any of the following purposes :

Byelaws.

- (A.) For regulating the use of and proceedings in the town hall, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto :
- (B.) For regulating and governing the porters, basket men, and basket women licensed by the Commissioners :
- (C.) For the management, use, and regulation of the public baths and wash-houses :
- (D.) For regulating the tasting and branding of butter in the markets.

73. The several powers and provisions of this part of this Act with respect to the power to acquire lands, with respect to a town hall, with respect to markets and fairs, with respect to baths and wash-houses, with respect to a public park, and with respect to byelaws, shall not be exercised until the first day of November one thousand eight hundred and seventy-one.

Suspension of certain powers and provisions.

74. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the 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 rights of the Crown in the foreshore.

PART II.

WATERWORKS.

75. Except where expressly varied by this part of this Act, "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Act (Ireland), 1851," as the same is amended by "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," and the provisions of

Provisions of general Acts herein named incorporated.

A.D. 1871. — “The Railways Clauses Consolidation Act, 1845,” with respect to the temporary occupation of land near the railway during the construction thereof, and “The Waterworks Clauses Acts, 1847,” (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit,) and “The Waterworks Clauses Act, 1863,” are incorporated with and shall form part of this part of this Act. For the purposes of this part of this Act—

The term “the special Act,” in all the said Acts shall be construed to mean this part of this Act;

The terms “the promoters of the undertaking” and “the works” in “The Lands Clauses Consolidation Act, 1845,” and “The Lands Clauses Consolidation Acts Amendment Act, 1860,” shall respectively be construed to mean the Trustees and the waterworks and works connected therewith authorised by this part of this Act;

The terms “the Company” and “the railway” in “The Railways Clauses Consolidation Act, 1845,” “The Railways Act, 1851,” “The Railways Act (Ireland), 1860,” and “The Railways Act (Ireland), 1864,” “The Railways Traverse Act,” shall respectively be construed to mean the Trustees and the waterworks and works connected therewith authorised by this part of this Act;

The terms “the undertakers” and “the undertaking” in “The Waterworks Clauses Acts, 1847 and 1863,” shall respectively be construed to mean the Trustees and the waterworks and works connected therewith authorised by this part of this Act; and in this part of this Act the terms “the Commissioners” and “town” have the same meaning as in Part I. of this Act.

Trustees to execute Act. **76.** John Grubb Richardson, of Moyallen in the county of Down, Esquire, James Nicholson Richardson, junior, of Bessbrook in the county of Armagh, Esquire, John Frederick Harris, of Bessbrook aforesaid, Esquire, and Henry Barcroft, of the Glen, Newry, in the said county of Armagh, Esquire, and other the trustees for the time being to be appointed in manner by this part of this Act provided, shall be and are hereby incorporated by the name of “The Camlough Waterworks Trustees” (in this part of this Act referred to as “the Trustees”), with perpetual succession and a common seal, and shall have power to sue and be sued, and to purchase, take, hold, and dispose of lands and other property for the purposes of this part of this Act, and may carry into effect those purposes, and exercise the several other powers by this part of this Act conferred upon them.

77. The Commissioners may, if they think fit, appoint one of the Commissioners to be a Trustee to act jointly with the Trustees under this part of this Act, so long as he shall be a Commissioner, and whenever a vacancy is caused by death, resignation, incapacity, or otherwise in the office of such Trustee, the Commissioners may appoint another of the Commissioners to fill the vacancy, and so toties quoties.

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Com-
missioners may
appoint one
of the Trus-
tees.

78. Subject to the provisions of this part of this Act, and for the purpose of delivery of water by the Trustees to the Commissioners for supply of the town, the Trustees are hereby required to make and complete, on or before the first day of November one thousand eight hundred and seventy-two, and thenceforth for ever to maintain in the lines and situation, and according to the levels shown on the deposited plans and sections, the waterworks in this section described, with all proper works and conveniences connected therewith (in this Act referred to as "the town supply waterworks"), and to enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for that purpose ; (that is to say,)

Trustees to
make water-
works for
town.

A line of pipes commencing at a point in Camlough Lake, distant three hundred and eighty-five yards or thereabouts, in a south-westerly direction from the sluice house at the north-east end of the lake, passing through the townlands of Aghmakane, Keggall, Carrickcloghan, Carrickcroppan, Cross, Carrickbrackan, and Cloghreagh, in the parish of Killeevy and Derrymore, and Derrybeg, in the parish of Newry, and terminating in the said townland of Derrybeg, in the service reservoir next herein-after described, at a point distant two hundred and ten yards or thereabouts in a south-westerly direction from the junction of the main road leading from Newry to Millvale with the main road leading from Newry to the village of Camlough :

A service reservoir, sufficient to contain three hundred thousand gallons of water, to be constructed in a certain field in the said townland of Derrybeg, in the occupation of Edward Collins and Owen Rorke, lying to the south of the main road leading from Newry to Camlough, the centre of which reservoir will be distant two hundred and ten yards or thereabouts in a south-westerly direction from the junction of that road with the main road leading from Newry to Millvale, and three hundred and seventy-five yards or thereabouts in a south-westerly direction from the centre of the bridge (known as the Egyptian Arch) under the Dublin and Belfast Junction Railway :

A line of pipes, commencing by a junction with the service reservoir last before described, passing through the townlands

A.D. 1871.

of Derrybeg and Ballinlare in the said parish of Newry, and Carnagat in the said parish of Killeavy, and terminating within the borough or town of Newry at the junction of the streets known as Edward Street and Monaghan Street :

And the lines of pipes described in this section shall be throughout of the following dimensions ; that is to say,

From the commencement thereof in Camlough Lake to the point marked two miles two furlongs on the deposited plans, of a diameter of thirteen inches :

From the point marked two miles two furlongs to the point marked three miles on the deposited plans, of a diameter of ten inches :

From the point marked three miles to the point marked four miles one furlong on the deposited plans, of a diameter of thirteen inches.

Trustees to complete town supply waterworks.

79. The town supply waterworks shall be made and completed by the Trustees on or before the first day of November one thousand eight hundred and seventy-two, to the satisfaction of Thomas Hawksley, Esquire, Civil Engineer, or him failing, to the satisfaction of an engineer to be appointed by the Commissioners of Public Works in Ireland at the request of either the Trustees or the Commissioners.

Penalty on Trustees if works not completed within prescribed time.

80. In case the Trustees do not make and complete the town supply waterworks in manner aforesaid, then and in such case the said John Grubb Richardson, James Nicholson Richardson, junior, John Frederick Harris, and Henry Barcroft, and each of them, and the heirs, executors, and administrators of them and of each of them, jointly and severally, shall be liable to a penalty of ten pounds for every day after the first day of November one thousand eight hundred and seventy-two until the town supply waterworks shall be completed in manner aforesaid, and such penalty may be recovered by the Commissioners in any of the superior courts of common law in Ireland: Provided always, that no penalty shall accrue due in respect of any time during which it shall appear by a certificate to be obtained from the said Thomas Hawksley, or him failing, from an engineer appointed in manner aforesaid by the Commissioners of Public Works in Ireland, that the Trustees were prevented from making and completing the town supply waterworks in manner aforesaid by any unforeseen accident or by circumstances beyond their control.

Delivery of water to Commissioners.

81. On the completion of the town supply waterworks the Trustees shall begin, and shall thenceforth for ever continue, by gravitation, mechanical means, or otherwise, to deliver down the said waterworks to the Commissioners six hundred and twenty-five

thousand gallons of water for each twenty-four hours, the same to be delivered out of Camlough Lake at a uniform rate during each twenty-four hours throughout the year, and to be delivered in the first instance into a gauge basin to be constructed and maintained by the Trustees close to the embankment of the lake, and if the Trustees are required so to do by the Commissioners, they shall erect and maintain in connexion with the service reservoir all necessary apparatus for gauging the quantity of water supplied to the town, and for ensuring that the water shall be always in a fit state for purposes of domestic supply in the town.

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82. The Trustees shall not deliver or supply any water within the town except water delivered to the Commissioners, or draw off any water from the town supply waterworks except water for the use of the Commissioners.

Prohibition of supply except to Commissioners.

83. The Commissioners shall have the exclusive management and control of the outlet by which water will be supplied to the town from the service reservoir authorised by this Act, and of the pipes leading to the town from such outlet, and all works and apparatus connected therewith; but nothing herein contained shall exempt the Trustees from liability to maintain the said reservoir, outlet pipes, and apparatus as provided by this Act.

Commissioners to have control of outlet from service reservoir.

84. Subject to the provisions of this part of this Act, and for the purposes of delivery of water by the Trustees to the Commissioners for supply of the town, and for the purposes of a supply of water to mills and factories, and to the Newry Navigation, the Trustees are hereby required to make and complete, and thenceforth for ever to maintain, in the lines and situation, and according to the levels shown on the deposited plans and sections, the waterworks in this section described, with all proper works and conveniences connected therewith, and to enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for that purpose; (that is to say,)

Trustees to make embankment and catch-water drains at Camlough Lake.

An embankment commencing in the townland of Sturgan in a field in the occupation of Hugh King, at a point distant one hundred and thirty yards or thereabouts in a south-westerly direction from the point where the stream forming the boundary between the townlands of Sturgan and Aghmakane unites with the stream forming the boundary between the townlands of Sturgan, Aghmakane, and Carrickcloghan, passing through the townlands of Sturgan, Aghmakane, Carrickcloghan, and Keggall, in the parish of Killeavy, and terminating in the said

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townland of Keggall in a field in the occupation of Neil McShane at a point distant fifty yards or thereabouts in a south-easterly direction from the sluice house at the north-east end of Camlough Lake; and to submerge the lands in and surrounding the lake situate in the townlands of Sturgan, Aghmakane, Ballynalack, Ballintemple, Tamnaghbane, Keggall, and Carrickcloghan in the said parish to the extent shown on the deposited plans :

A conduit or catch-water drain (No. 1 on the deposited plans) commencing at a point in the bed of the stream which forms the boundary between the townland of Carrivekeeney and the townland of Derrymore at or near a point distant fifty yards or thereabouts measured along the said stream in a southerly direction from the point where the upper public road from Camlough to Newry crosses over the said stream, passing through the said townlands of Carrivekeeney and Derrymore, in the parish of Newry, and the townlands of Carrickbrackan, Cross, and Keggall in the parish of Killevy, and terminating in the last-mentioned townland by a junction with the said lake at or near a point on its eastern shore distant three hundred and ten yards or thereabouts in a southerly direction from the sluice house before described :

A conduit or catch-water drain (No. 2 on the deposited plans) commencing at or near a point in the bed of a stream in the said townland of Ballinalack in a field in the occupation of Alice Berry, distant eighty yards or thereabouts in a westerly direction measured along the stream from the point where it runs into or unites with Camlough Lake, passing through the said townlands of Ballynalack, Aghmakane, Sturgan, and Carrickcloghan, and terminating in the bed of the stream or mill race which forms the boundary between the townlands of Carrickcloghan and Keggall at or near a point distant one hundred yards or thereabouts in a north-easterly direction from the sluice house before mentioned :

A conduit or catch-water drain (No. 3 on the deposited plans) commencing in the bed of the stream which forms the boundary between the townlands of Ballinliss and Seafin in the parish of Killevy at or near a point distant eight hundred yards or thereabouts measured along the said stream in a north-easterly direction from the point where it unites with the stream forming the boundary between the townlands of Seafin and Clonlum, passing through the said townland of Ballinliss and the townland of Tamnaghbane in the said parish, and termi-

nating in the bed of the stream which forms the boundary between the townlands of Tamnaghbane and Ballintemple at or near a point distant seven hundred yards or thereabouts in a south-easterly direction from the point where the last-mentioned stream runs into or unites with Camlough Lake :

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A conduit or catch-water drain (No. 4 on the deposited plans) commencing on the western side of the said lake in a field in the said townland of Sturgan, in the occupation of Hugh King, at a point distant one hundred and thirty yards or thereabouts in a south-westerly direction from the point where the stream forming the boundary between the said townlands of Sturgan and Aghmakane unites with the stream forming the boundary between the said townlands of Sturgan, Aghmakane, and Carrickcloghan, passing through the said townland of Sturgan, and terminating in a field in the occupation of James McCourt, at a point distant five hundred and sixty yards or thereabouts in a north-westerly direction from the point where the stream forming the boundary between the said townlands of Sturgan and Carrickcloghan unites with the stream forming the boundary between the said townlands of Sturgan and Aghmakane.

85. Subject to the provisions of this part of this Act, and for the purpose of a supply of water to mills and factories, and to the Newry Navigation, the Trustees are hereby required, by widening, deepening, cleansing, and otherwise, to improve all or parts of the Camlough River, between Camlough Lake and the mill dam of Camlough mills, as existing at the passing of this Act, in the lines and situation shown on the deposited plans, with all proper works and conveniences connected therewith, and to enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for that purpose ; and the Trustees are also hereby required for the purpose aforesaid to proceed with such other works as are hereby authorised for impounding and storing the waters of Camlough Lake, simultaneously with the construction of the town supply waterworks, so as that thereby a quantity of water equal to the quantity delivered through the said town supply waterworks to the Commissioners may at all times from and after the completion and opening of the town supply waterworks be obtained by means of the said other works, and discharged therefrom into the Camlough River ; and such quantity of water shall at all times during the construction of the said other works be so delivered by the Trustees into the said river by way of compensation for the water withdrawn from the river by means of the said town supply waterworks, and the Trustees shall carry

Trustees to
improve
Camlough
River.

A.D. 1871. — on such other works with all diligence, and complete the same so as to enable them to fulfil their obligation to supply the volume of water stipulated by this Act for the use of the several mills and factories on Camlough River, and of the Newry Navigation Company, within two years from the passing of this Act.

Supply of
water to
mills and
navigation.

86. Subject to the provisions of this part of this Act, and subject and without prejudice to the obligation by this part of this Act imposed on the Trustees of delivering water to the Commissioners, and to the full performance by the Trustees of that obligation, the Trustees shall, on the completion of the waterworks, begin and shall thenceforth for ever continue to deliver out of Camlough Lake down Camlough River three million five hundred thousand gallons of water a day on every day of the year, except Sunday, for the use of the occupiers of the several mills and factories using at the passing of this Act any fall on the Camlough River, and of the Newry Navigation Company, the same to be delivered in the first instance into a gauge basin to be constructed and maintained by the Trustees close to Camlough Lake, at the head of Camlough River: Provided always, that such gauge basin shall be constructed and maintained with all necessary apparatus for gauging and registering the quantity of water delivered therefrom to the satisfaction of the engineer for the Newry Navigation Company for the time being, and if any difference shall arise between such engineer and the engineer of the Trustees in respect to this provision, the same shall from time to time be determined by arbitration in manner provided by this Act.

Trustees
may impound
streams in
the line of
works.

87. The Trustees may, except as herein-after provided, divert, appropriate, impound, store, take, and use all or any of the streams in the said townlands of Tamnaghbane, Ballinliss, and Seafin, which will be intercepted by any of the waterworks before described, and which now flow into the Flurry River; and they may also divert, appropriate, impound, store, take, and use all or any of the water of Camlough Lake, and all tributaries, brooks, streams, and springs which either directly or derivatively flow into or supply the said Lake, or are intended to be diverted into it by the conduits or catch-water drains before described, and the water of Camlough Lake, including all water from time to time impounded and stored therein by means of the waterworks shall, on and from the same being acquired by the Trustees in accordance with the provisions of the Acts incorporated with this Act, belong to the Trustees exclusively, but nothing in this Act shall interfere with any right to use any part of that water for the ordinary domestic supply of the occupiers

of lands which adjoin the lake, or through or in which any of the streams, tributaries, brooks, and springs aforesaid flow or rise, or for ordinary agricultural purposes in connexion with any of those lands: Provided always, that nothing in this Act contained shall authorise the Trustees to divert, appropriate, impound, store, take, or use any waters not now flowing into Camlough Lake, excepting such waters as may be intercepted by the catch-water drains shown on the deposited plans.

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88. The line of pipes commencing in Camlough Lake, and in this Act first described, shall be so laid or constructed and maintained as to be always, in every part thereof, not less than eighteen inches below the sill of the sluice or other the lowest part of the apparatus from time to time used for delivery or passage of water out of the lake down the Camlough River; and the Trustees shall not at any time, except for the purpose of the delivery of the quantity of water by this part of this Act prescribed to be delivered to the Commissioners, take or allow to be taken, or cause or allow to pass out of the lake, any water below the level of the sill or other lowest part of the apparatus aforesaid; provided that if by reason of protracted frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs, the level of the surface of the water of Camlough Lake should at any time become so much depressed as to cease to pass from the lake by gravitation over the sill of the sluice or other lowest part of the apparatus aforesaid into the Camlough River three fourths of a million gallons in any one day, it shall be lawful for the Trustees on the application of any millowner or the Navigation Company, subject and without prejudice to the obligation by this part of this Act imposed on them of delivering water to the Commissioners and to the full performance by the Trustees of that obligation, to obtain by pumping a quantity of water from the lake for the supply of the river, not exceeding three fourths of a million gallons of water daily (Sundays excepted) for so long a time as the water of the lake shall continue to be so depressed and no longer: Provided always, that save for the purpose of delivering water to the Commissioners, the privilege of pumping for the supply of the river under the circumstances aforesaid, or any of them, shall cease to be exercised by the Trustees when and so soon as the level of the surface of the water in the lake shall become depressed to a depth of eight feet below the top of the sill of the sluice whereby the water of the lake was drawn immediately before the passing of this Act for the supply of the river; and provided likewise that it shall not be lawful for the Trustees to remove or alter such last-mentioned sill until the level of the top thereof shall

Security for preferential supply to Commissioners.

A.D. 1871. have been transferred to and permanently marked upon some immovable object within four hundred yards of such sill by or to the satisfaction of the surveyor for the time being of the county of Armagh.

Powers of inspection of works.

89. The waterworks and every part thereof shall be at all times open freely to the inspection and examination of the Commissioners, their engineers, officers, servants, and workmen; and the waterworks (including the said gauge basin and apparatus for gauging the water delivered into the Camlough River, but not the town supply waterworks,) shall be at all times open freely to the inspection and examination of the several occupiers of mills and factories, and the Navigation Company, their respective engineers, officers, servants, and workmen.

Power for Commissioners to enter on works and secure supply.

90. If at any time the Trustees fail for six hours consecutively to deliver water to the Commissioners, in conformity with this part of this Act, the Commissioners may give notice of such failure to the Trustees in writing, under their seal; and if such failure continues for twenty-four consecutive hours after delivery of the notice, then the Commissioners may enter on Camlough Lake and all or any part of the waterworks, in order to do and may accordingly do all things necessary for restoring and securing the continuance of the delivery of water to them out of Camlough Lake, in conformity with this part of this Act, and may continue to have possession of the property so entered on to the extent and for the time requisite for the doing of the things aforesaid, but not further or longer; and the costs, charges, and expenses of the Commissioners in or about the doing of the things aforesaid shall be paid to them by the Trustees, and may be recovered by the Commissioners from the Trustees, with interest and costs, by proceedings in any court of competent jurisdiction.

Penalty on interruption of works, &c.

91. If any person resists or obstructs any of the Commissioners, or any of the occupiers of the several mills and factories using any falls on the Camlough River, or the Newry Navigation Company, or any of their respective engineers, officers, servants, or workmen in or about any inspection or examination authorised by this part of this Act, or wilfully or negligently interferes with the delivery of water by the Trustees in conformity with this part of this Act, or wilfully or negligently injures any of the town waterworks, or of the mill and navigation waterworks, every person so offending shall for every such offence (without prejudice to any other remedy against him) be liable, on summary conviction before two justices, to a penalty not exceeding ten pounds, or in the discretion of the

justices to be imprisoned, with or without hard labour, for any term not exceeding three months. A.D. 1871.

92. In addition to the lands herein-before authorised to be taken for the purposes aforesaid, the Trustees may for the purposes of this part of this Act purchase by agreement and hold any quantity of land which they may require, not exceeding twenty acres. Power to purchase additional land by agreement.

93. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of the said Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant or by lease demise to the Trustees any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands. Owners may grant easements.

94. The powers of the Trustees for the compulsory purchase of lands for the purposes of this part of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

95. In constructing the waterworks the Trustees may, notwithstanding any provisions in "The Waterworks Clauses Acts, 1847 and 1863," deviate to any extent within the limits shown and expressed on the deposited plans as the intended limits of deviation, and may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet in respect of the embankment and reservoir and lines of pipes, and not exceeding seven feet in respect of the other works herein-before described; provided that where any of the said works are to be made along any public road, the boundary lines of such road, unless where and as shown to the contrary on the deposited plans, shall be the limits of deviation: Provided also, that if the levels of the lines of pipes authorised by this Act for the supply of water to the town, or of any part thereof, shall be deviated within the limits above mentioned, then the levels at which such pipes shall be laid shall be determined by and between the engineer for the time being of the Trustees and the engineer for the time being of the Commissioners, or in case they disagree, by an engineer to be nominated and appointed for that purpose by the Commissioners of Public Works in Ireland, whose award in the premises shall be final. Power to deviate.

96. The clauses and provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes, shall extend and apply to all roads along or under which the Trustees are by this part of this Act authorised to construct any work. Regulating the power to break up roads.

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Period for
completion
of works.

97. On the expiration of three years from the passing of this Act, the powers by this part of this Act granted to the Trustees for making and completing the waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; provided that nothing herein contained shall prevent the Trustees from enlarging, extending, or otherwise altering, renewing, or repairing their mains, pipes, works of distribution, and other works from time to time, whenever it shall be necessary or proper for the purposes of this part of this Act.

Payment by
Commis-
sioners to
Trustees.

98. In consideration of the making and maintenance of the waterworks by the Trustees the Commissioners shall pay to the Trustees the sum of twelve thousand pounds, as follows; (namely,)

- (1.) The sum of one thousand pounds within fourteen days after the passing of this Act :
- (2.) Sums amounting in the whole to not less than ten thousand four hundred pounds by instalments from time to time, on certificates given on request of the Trustees by the engineer of the Commissioners, certifying the adequate progressive purchase of land and execution of the town supply waterworks, and of the two conduits or catch-water drains number two and number four respectively on the deposited plans, and in default of such certificates then on like certificates obtained by the Trustees by arbitration :
- (3.) On the Trustees beginning to deliver water to the Commissioners in the town by means of the town supply waterworks, so much of the said sum of ten thousand four hundred pounds as then remains unpaid :
- (4.) On the completion of the two conduits or catch-water drains last aforesaid, the sum of six hundred pounds.

Expenses of
Trustees to
be defrayed.

99. The expenses incurred by the Trustees in the execution of the works directed by this part of this Act, or otherwise in carrying this part of this Act into effect, shall be defrayed by or reimbursed to them out of the moneys following; that is to say,

- (1.) The sum of twelve thousand pounds to be paid to them by the Commissioners as directed by this Act :
- (2.) The mill rents, in respect of the several falls of water on the Camlough River, shall be calculated at thirty shillings for each foot of fall, and shall be paid to the Trustees by the persons for the time being in occupation of the mills situate on the said river, according to the proportions prescribed in the Second Schedule to this Act annexed, and where any such mill shall be unoccupied, the rent payable in respect of the same shall be paid by the owner :

(3.) The Newry Navigation rent of one hundred pounds per annum to be paid to the Trustees by the Newry Navigation Company in the manner by this part of this Act prescribed: Provided always, that when the whole amount which would be produced in any one year by the rents aforesaid is in excess of the amount required under the provisions of this part of this Act for the purposes of this part of this Act in any such year the mill rents shall be proportionately reduced. A.D. 1871.

100. The Newry Navigation rent and mill rents shall commence and be payable as at and from the first day of August one thousand eight hundred and seventy-two, for the immediately succeeding year, and be payable by equal half-yearly instalments on the first day of February one thousand eight hundred and seventy-three, and the first day of August one thousand eight hundred and seventy-three, and so forth in each succeeding year: Provided always, that if in any year between the first day of January and thirty-first day of December, the Trustees fail to deliver, and shall so continue to fail, after the expiration of twenty-four hours notice of such failure in writing to them by or on behalf of the Newry Navigation Company, the daily quantity of water by this part of this Act prescribed to be delivered out of Camlough Lake down Camlough River, as the same shall be ascertained by means of the gauge basin herein-before provided for, an abatement of two pounds per day for each day of such failure shall thereupon be made, and may be retained by them from the rent of the year then current. Provision as to mill and navigation rents.

101. The Trustees may from time to time borrow and re-borrow at interest, on the security of their annual income under the provisions of this part of this Act, such sums of money as the Trustees may from time to time require for the execution of the works directed by this part of this Act, or for otherwise carrying the purposes of this part of this Act into effect, not exceeding in the whole at one time the sum of eight thousand pounds, and they may mortgage such annual income to secure repayment thereof, with interest, accordingly. Trustees may borrow on mortgage.

102. The income from time to time to be received by the Trustees under the provisions of this part of this Act shall be applied: Application of income by Trustees.
 Firstly, in paying the interest on moneys borrowed under the authority of this part of this Act;
 Secondly, in maintaining, improving, and regulating the water-works, and works connected therewith;
 And the surplus (if any) the Trustees shall set apart and appropriate, and they shall accumulate the same at compound

A.D. 1871.

interest, and the sums from time to time so set apart, appropriated, and accumulated shall be invested in the purchase of Exchequer bills, or in other Government securities, in the name of the Trustees.

Guarantee
fund.

103. The moneys so invested shall be held and applied by the Trustees for and to the purposes following :

- (1.) To the reduction or payment of the mortgage debt for the time being owing by the Trustees :
- (2.) To form and maintain a guarantee fund amounting to but not exceeding the sum of one thousand pounds, which guarantee fund may be applied by the Trustees as circumstances may from time to time require in and for the purpose of extraordinary repairs of the waterworks and works connected therewith, or other extraordinary expenses incident to the management or improvement of the said waterworks and the works connected therewith :

When the said guarantee fund amounts to one thousand pounds, then the interest which in any one year accrues due upon the same shall be applicable to the same purposes as the said principal sum, and where such interest shall not be required for the purposes aforesaid, the Trustees shall apply such interest in payment of the expenses incurred by them in such year in the maintenance, regulation, and management of the waterworks and the works connected therewith.

When debt
paid off
annual pay-
ments to be
reduced.

104. When the whole of the money which may be borrowed under this part of this Act by the Trustees has been paid off and discharged, the mill rents shall in each year respectively be proportionately reduced from the sums mentioned in this Act to such sums as shall with the Newry Navigation rent, and any interest available in manner aforesaid, amount in such year to the sum necessary for the maintenance, regulation, and management by the Trustees of the waterworks and works connected therewith, and thereupon the several parties respectively liable to pay the said rents shall only be compellable to pay such reduced rents.

Appointment
of new
Trustees.

105. When any of the said Trustees or any Trustee to be appointed in manner by this part of this Act provided dies, desires to be discharged from, or refuses or becomes unfit or incapable to act in the execution of this part of this Act, the surviving or continuing Trustees shall, with all convenient speed, appoint any other person to be a Trustee in the place of the Trustee so dying or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid : Provided always, that if any person appointed in manner

before mentioned is unfit or incapable to act as such Trustee, or if within six months after any vacancy has occurred the surviving or continuing Trustees shall not have appointed some competent person to fill such vacancy, the Court of Chancery in Ireland may, on the application of the Commissioners or of the Newry Navigation Company, or of any person liable to the payment of any sum by way of mill rent, under the provisions of this part of this Act, make an order appointing a new Trustee in addition to the existing Trustees, or in substitution for any such Trustee who may in the opinion of the court be unfit or incapable as aforesaid; and upon any such appointment, all lands and other property whatsoever for the time being vested in the surviving or continuing Trustees, under the provisions of this part of this Act shall, in virtue of such appointment, be vested in such surviving or continuing Trustees together with such new Trustee, and every Trustee whether appointed by the surviving or continuing Trustees or by the Court of Chancery in manner aforesaid shall have and may exercise all and the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a Trustee by this part of this Act: Provided that the Trustees, or the Court of Chancery in Ireland, as the case may be, shall not under the powers hereby given appoint a Trustee to act as Trustee for the Commissioners as is herein-before provided.

106. The Trustees shall keep full and true accounts of all sums received and expended by them under the authority of this part of this Act, and such accounts shall be open to the inspection of any of the persons paying rents under this part of this Act, once in each week at the office of the Trustees, from ten until twelve o'clock in the daytime; and a full abstract of such accounts shall, within two months after the thirty-first day of December in the year one thousand eight hundred and seventy-one, and in every subsequent year, be published by the Trustees, and section eighty-three of "The Waterworks Clauses Act, 1847," shall apply thereto.

Inspection and publication of accounts.

107. All arrears of rent due by any persons in respect of any fall of water on the Camlough River may be recovered by the same means, with the like powers, and in like manner in all respects as if such rent were a rentcharge in lieu of tithes charged upon the lands by this part of this Act made liable to the payment thereof, and made payable to the said Trustees under the Act of the first and second years of the reign of Her present Majesty, intituled "An Act to abolish compositions for tithes in Ireland, and to substitute rentcharges in lieu thereof," and the several Acts amending the same.

Recovery of arrears of mill rents.

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Saving
rights of
Newry
Navigation
Company.
Trustees
receipts to be
discharges.

108. Except as by this Act expressly provided, nothing herein contained shall take away, diminish, or affect any of the rights, powers, or privileges vested in the Newry Navigation Company.

109. The receipt of any two of the Trustees for any money payable to the Trustees under this part of this Act shall effectually discharge the body or person paying the same therefrom, and from being bound to see to the application, or responsible for any loss or misapplication thereof.

Office of
Trustees, and
delivery of
notices, &c.

110. The Trustees shall always have an office at Bessbrook aforesaid, and shall give notice of the situation thereof to the Commissioners, and to the several occupiers of mills and factories aforesaid, and to the Newry Navigation Company; and where any notice or other document is by this Act or otherwise required or authorised to be given to the Trustees, it shall be sufficient to deliver the same at their office addressed to them.

Reference to
arbitration.

111. If any difference arises between the Trustees on the one hand, and the Commissioners or the several occupiers of mills and factories, or any of them, or the Newry Navigation Company, on the other hand, respecting the construction or effect of any provision of this Act, or respecting anything done or omitted, or required to be done or omitted thereunder, the same may be referred to arbitration.

Mode of
arbitration.

112. Where by or under this Act anything is directed to be determined by or is authorised to be referred to arbitration, the arbitration shall be conducted in manner in which arbitrations are by "The Lands Clauses Consolidation Act, 1845," directed to be conducted, save that the reference shall be in all cases to a single arbitrator; and on failure of the parties to agree on an arbitrator, then the arbitrator shall be a competent and impartial person to be appointed, on the application of either party, by the Commissioners of Public Works in Ireland; and the decision of the arbitrator shall be final and binding on the parties to the arbitration, and the costs of the arbitration shall be in his discretion.

Saving for
general
powers of
Commis-
sioners.

113. Except as by this Act expressly otherwise provided, nothing in this Act shall take away, abridge, or prejudicially affect any estate, right, title, interest, power, authority, or privilege vested in or belonging to the Commissioners at the passing of this Act, or that would have been vested in, or would have belonged to, or might have been exerciseable by them if this Act had not been passed.

Expenses
of Act.

114. All the costs, charges, and expenses incurred in the obtaining and the passing of this Act, and preparatory thereto,

by or on behalf of the promoters, and of the Commissioners, and of the Trustees, shall be paid by the Commissioners and the Trustees respectively, out of the first moneys which shall come to their hands under this Act, as follows; (namely,) so much thereof as relates to Part I. of this Act by the Commissioners, and so much thereof as relates to Part II. of this Act by the Trustees; and in case of difference as to the proportions of the costs when taxed to be paid by the Commissioners and Trustees respectively, such difference shall be referred to John Hancock, Esquire, justice of the peace of the counties of Down and Armagh, or him failing, to a referee to be named by the Lord Lieutenant of the county of Down, or the Lord Lieutenant of the county of Armagh, and the decision of the said John Hancock or other referee shall be final and binding on all parties.

A.D. 1871.

A.D. 1871.

SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

GENERAL MARKET TOLLS.

SHOPS.

To be paid by the occupier of 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 in proportion for less than a foot:—

	£	s.	d.
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

BUTCHERS STALLS.

To be paid by the occupier of every butcher's stall, according to the size and dimensions of the stall, namely, for every lineal foot of frontage thereof, and so in proportion for less than a foot:—

	£	s.	d.
If let by the year, any yearly 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 day or other lawful day, any daily sum not exceeding -	0	0	3

VEGETABLE AND OTHER STALLS.

To be paid by the occupier of every stall raised above the ground, for the sale of vegetables, fruit, fish, game, poultry, china, glass, earthenware, baskets, hardware, or other marketable commodities, according to the size and dimensions of the stall, namely, for every lineal foot of frontage thereof, and so in proportion for less than a foot:—

	£	s.	d.
If let by the year, any yearly sum not exceeding -	0	13	0
If let by the half year, any half-yearly sum not exceeding -	0	8	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 day or other lawful day, any daily sum not exceeding -	0	0	2

STANDS OR BENCHES.

A.D. 1871.

To be paid by the occupier of every stand or bench, according to the size or dimension of the same, namely, for every superficial square foot or fraction of a superficial foot thereof:—

	£	s.	d.
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	2
If otherwise let or occupied, for every market day or other lawful day, any daily sum not exceeding - - -	0	0	1

GROUND SPACE.

To be paid by the occupier of 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:—

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	0	1	6
If let by the half year, any half-yearly sum not exceeding - - -	0	0	8
If let by the quarter, any quarterly sum not exceeding - - -	0	0	5
If let by the week, any weekly sum not exceeding - - -	0	0	2
If otherwise let or occupied, for every other market day or other lawful day, any daily sum not exceeding - - -	0	0	1

WHOLESALE MARKET TOLLS.

	£	s.	d.
For every waggon used by any person for exposing or in which shall be exposed to sale any marketable commodity, for every market day or other lawful day, any daily sum not exceeding -	0	0	6
For every cart used by any person for the like purpose, for every market day or other lawful day, any daily sum not exceeding—			
If drawn by one horse or other animal - - -	0	0	6
If drawn by two or more horses or other animals - - -	0	1	0
For every compartment or space on the surface of the ground used by any person for the like purpose, according to the size or dimensions of the same, namely, for every superficial square foot thereof or fraction of a superficial square foot thereof, any daily sum not exceeding - - -	0	0	1

A.D. 1871.

WEIGHING AND MEASURING TOLLS.

FOR AGRICULTURAL PRODUCE.

	£	s.	d.
If weighing not more than fifty-six pounds avoirdupois -	0	0	0½
If weighing more than fifty-six pounds -	0	0	1

FOR MEASURING EVERY QUANTITY OF THINGS SOLD BY MEASURE.

If not exceeding one bushel -	0	0	0½
If exceeding one bushel and not exceeding four bushels -	0	0	1
Exceeding four and not exceeding eight bushels -	0	0	2

And so in proportion for any greater quantity.

CART WEIGHING TOLLS.

	£	s.	d.
For weighing every waggon, whether loaded or unloaded -	0	0	4
For weighing every cart, whether loaded or unloaded -	0	0	2

SLAUGHTER-HOUSE TOLLS.

	£	s.	d.
For every ox, cow, or bullock, any sum not exceeding -	0	1	0
For every calf, any sum not exceeding -	0	0	6
For every sheep or lamb, any sum not exceeding -	0	0	4
For every hog or pig, any sum not exceeding -	0	0	6
For any other beast, any sum not exceeding -	0	1	0

GENERAL TOLLS.

	£	s.	d.
For every waggon or cart drawn by one horse, used by any person for exposing, or in which shall be exposed for sale, any marketable commodity (except butter, grain of any kind, meal, flour, wool, 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 one 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 one cwt. -	0	0	1
For every load of vegetables, hay, or grass, carried in the same manner -	0	0	1
For animals and for 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 Commissioners:—			
Each horse or bull -	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, or calf -	0	0	1

[34 & 35 VICT.] *The Newry Improvement and* [Ch. cxcviii.]
Water Act, 1871.

	£	s.	d.	A.D. 1871.
Butter, each cask, firkin, or case - - - - -	0	0	2	—
Butter, each roll or lump - - - - -	0	0	0½	
Barrows, each wheelbarrow or handbarrow - - - - -	0	0	1	
Bark, each ten cwt. or less quantity - - - - -	0	0	3	
Baskets, creels, or wicker-work, for each dozen or less number	0	0	2	
Besoms, each dozen - - - - -	0	0	0½	
Cloth, each piece of haircloth or drugget - - - - -	0	0	1	
Earthenware, each cwt. - - - - -	0	0	4	
Eggs, per one hundred and twenty - - - - -	0	0	1	
Frize or flannel, each piece of - - - - -	0	0	1	
Flax, scutched, or tow, each cwt. or less quantity - - - - -	0	0	2	
Flax seed, per barrel or bag - - - - -	0	0	2	
Flax seed, per hogshead - - - - -	0	0	4	
Fat, each cake - - - - -	0	0	1	
Flour, each one cwt. or less quantity - - - - -	0	0	2	
Fish, each one cwt. or less quantity of fish or shellfish - - - - -	0	0	2	
Feathers, each stone - - - - -	0	0	1	
Fowls, per dozen - - - - -	0	0	2	
Grain, malt, barley, oats, rye, Indian corn, grain of any kind, except wheat or meal, per each twenty-four stone or less quantity - - - - -	0	0	2	
Grass seed, per bag - - - - -	0	0	1	
Wheat or flour, per each twenty stone or less quantity - - - - -	0	0	2	
Hoops or twigs, each half dozen of bundles or any less quantity	0	0	2	
Herrings, each barrel of - - - - -	0	0	2	
Hide, kip, or runner, each - - - - -	0	0	1	
Hay, each cartload - - - - -	0	0	3	
Hay, each horse-load - - - - -	0	0	2	
Hay, each ass-load - - - - -	0	0	1	
Leather, each ten 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	
Meat, each carcase or less quantity of mutton, veal, or pork - - - - -	0	0	1	
Meat, each quarter or less quantity of bacon - - - - -	0	0	1	
Meal, each cwt. or less quantity of meal of any kind - - - - -	0	0	2	
Mats, each two dozen or less quantity - - - - -	0	0	2	
Oranges, each one hundred or less quantity - - - - -	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	
Skins, each horse, mule, or ass skin - - - - -	0	0	1	
Skins, each dozen of rabbit or hare skins - - - - -	0	0	1	

[Ch. cxcviii.] *The Newry Improvement and* [34 & 35 VICT.]
Water Act, 1871.

A.D. 1871.

	£	s.	d.
Straw, each cartloa - - - - -	0	0	3
Straw, each horse-load - - - - -	0	0	1
Straw, each ass-load - - - - -	0	0	0½
Vegetables, each one cwt. or less quantity of potatoes or vegetables of any kind - - - - -	0	0	0½
Wool, each pack - - - - -	0	0	10
Wool, each sack - - - - -	0	0	2

MARKET AND FAIR TOLLS.

	£	s.	d.
For every bull, cow, bullock, or heifer exposed for sale, if over two years old - - - - -	0	0	4
If under two years old - - - - -	0	0	3
For every horse, mare, or gelding - - - - -	0	0	6
For every mule or ass - - - - -	0	0	3
For 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 thirty 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 cannot be carried in the hand, for each day exposed for sale - - - - -	0	0	6
For every hawker or pedlar, or other person selling or offering or exposing for sale any article whatever within any of the markets, 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 market or places appointed, per day or part of a day - - - - -	0	2	6

THE SECOND SCHEDULE.

A.D. 1871.

Name of mill.	Townland.	Height of fall.	Annual payment.		
			£	s.	d.
1. Camlough - - -	Cross	Feet. $17\frac{1}{2}$	26	5	0
2. Mount Caulfield - - -	Clogharevan	$19\frac{3}{4}$	29	12	6
3. Ditto (Beetling Mill) - - -	Ditto	$16\frac{1}{4}$	24	7	6
4. Bessbrook - - -	Ditto	$48\frac{1}{4}$	72	7	6
5. Derrymore - - -	Derrymore	22	33	0	0
6. Millvale (Beetling Mill) - - -	Mullaghlass	$21\frac{1}{4}$	31	17	6
7. Millvale (Flour Mill) - - -	Cloghreagh	29	43	10	0
8. Millvale (Corn Mill) - - -					
9. Millvale (Corn and Flax Mill) - - -	Mullaghlass	$15\frac{3}{4}$	23	12	6
10. Craigmore - - -	Glassdrummond	$35\frac{1}{2}$	53	5	0
11. Moorvale - - -	Ditto	$25\frac{1}{2}$	38	5	0
12. Carnbane - - -	Lisdrumgullion	$13\frac{1}{2}$	20	5	0
			<hr/>	<hr/>	<hr/>
			£396	7	6

And in the like proportion in respect of any mill which may be hereafter erected or used.