

[43 & 44 VICT.] *Sligo Borough Improvement (Revival [Ch. cix.] of Powers) Act, 1880.*



CHAPTER cix.

An Act to revive the powers and extend the periods respectively limited for the Construction of Waterworks and Supply of Water and the Purchase of Market Rights authorised by the Sligo Borough Improvement Act, 1869; and for other purposes. A.D. 1880.
[2nd August 1880.]

WHEREAS by the Sligo Borough Improvement Act, 1869, (herein-after referred to as "the Act of 1869,") the mayor, aldermen, and burgesses of Sligo (in the said Act and this Act referred to as "the Corporation") were authorised to make and maintain the reservoirs, lines of pipes, alterations, deviations, and other works for supply of water by the Act of 1869 (section 86) authorised, and the periods limited by that Act for the compulsory purchase of lands and for the completion of works were (sections 81 and 87) five years respectively from the passing of the Act : 32 & 33 Vict.
c. cxlvii.

And whereas by the Act of 1869 (sections 126-132) the Corporation were also authorised before, but not after, the first day of July one thousand eight hundred and seventy-two to acquire, in manner and subject to the conditions, restrictions, obligations, and liabilities therein contained, the "market rights" in the said Act (section 126) particularly described :

And whereas all the said powers of the Act of 1869 have expired, and it is expedient that they should respectively be revived and extended, and that the Corporation should be authorised to make or complete and maintain the said reservoirs, lines of pipes, alterations, deviations, and other works for supply of water, and to acquire and take the said market rights, as in this Act provided :

And whereas the Corporation have not borrowed any money for the purposes of waterworks under the Act of 1869, and it is expedient that for such purposes they should be empowered to borrow and re-borrow money, as in this Act provided :

And whereas the Corporation acting by the Town Council are the

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A.D. 1880. sanitary authority of the borough of Sligo under the Public Health (Ireland) Act, 1878:

41 & 42 Vict.
c. 52.

And whereas plans and sections of the said reservoirs, lines of pipes, and works for the supply of water authorised by the Act of 1869 and this Act, showing the lines and levels thereof respectively, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of the Act of 1869 and this Act, were duly deposited with the clerk of the peace of the county of Sligo, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the Bill for this Act has received the sanction and approval of the Local Government Board for Ireland:

And whereas the objects aforesaid 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the Sligo Borough Improvement (Revival of Powers) Act, 1880.

Construction of Act.

2. The Act of 1869, as amended and extended by this Act, and this Act shall be read together as and shall form one Act.

Incorporation of general Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
14 & 15 Vict. c. 70.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
31 & 32 Vict. c. 70.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

3. The Lands Clauses Consolidation Acts, 1845 and 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland) 1860, the Railways Act (Ireland), 1864, the Railways Traverse Act, and, the Waterworks Clauses Acts, 1847 and 1863, except the provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, so far as not expressly varied by this Act, shall be and are hereby incorporated with this Act.

Powers of recited Act revived and contracts, &c. extended.

4. All the rights, powers, and authorities conferred upon the Corporation by the Act of 1869 for the compulsory purchase of lands, the making and maintaining of the reservoirs, lines of pipes, alterations, deviations, and other works for supply of water, with all proper approaches, works, and conveniences connected therewith, the stopping up of highways, roads, and ways, and the appropriation of the sites of the highways, roads, and ways so stopped up, by that Act respectively authorised, shall be and the

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same are hereby revived; and all contracts, liabilities, conditions, and obligations entered into or incurred by or imposed upon the Corporation by or under that Act, or in the exercise of the powers thereby conferred, shall be and the same are hereby continued and made applicable to the Corporation and the waterworks authorised to be made or completed under the said Act and this Act.

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5. The reservoirs, lines of pipes, and works for supply of water which the Corporation may, under the Act of 1869 and this Act, make or complete and maintain are in the county of Sligo, and are—

Power to
make water-
works.

(a.) A reservoir, in or upon the bed of the Doonally, Kilsellagh, and Carrowlustia streams, in the townlands of Kilsellagh, Carrowlustia, and Lisduff, commencing at a point ninety-five yards or thereabouts, measured down stream, from the junction of the Kilsellagh stream with the aforesaid Doonally stream, by an embankment which will be constructed in a straight line across the said last-mentioned stream at that point, and in certain fields in the said townland of Kilsellagh abutting on the said last-mentioned stream, and in the occupation of Robert Shaw, tenant of Owen Wynne, and in certain fields in the said townland of Lisduff abutting on said last-mentioned stream in the occupation of Robert Shaw, tenant of Lord Harlech, and terminating at a point in the bed of the said Doonally stream, measured down stream along the centre of the bed of that stream, distant six hundred and sixty yards or thereabouts from a point in said last-mentioned stream opposite to the point where the fence forming the parish boundary dividing the parishes of Drumcliffe and Calry abuts on said last-mentioned river on its northern bank:

(b.) A line of pipes, commencing by a junction with the aforesaid reservoir at its commencement as before described, and terminating in the service reservoir next herein-after described, at a point distant eighty yards or thereabouts, measured in a westerly direction, from the point where the townland boundaries of Barroe, Farranacardy, and Ballytivnan meet:

(c.) A service reservoir, to be constructed on Farranacardy Hill, in a field in the occupation of Harper Campbell, wholly in the said townland of Farranacardy and parish of Calry, the centre of which service reservoir will be distant one hundred yards or thereabouts, measured in a south-westerly

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direction, from a point forming the junction of and where the townland boundaries of Ballytivnan, Barroe, and Farranacardy meet, and also distant four hundred and ninety yards or thereabouts, measured in a north-easterly direction, from a point in the centre of the public road from Sligo to Manorhamilton where the townland boundaries of Ballytivnan, Farranacardy, and Bellanode meet:

(d.) A line of pipes, commencing by a junction with the aforesaid service reservoir on its southern side, and terminating at a point in the centre of the public road in the townland of Rathquarter opposite the north-eastern corner of the Charter School, in the borough of Sligo.

And the said reservoirs, lines of pipes, and works shall be constructed and maintained (subject to the provisions of the Act of 1869, as amended by this Act) in the lines and according to the levels shown on the deposited plans and sections.

Limits of vertical deviation.

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

Period for compulsory purchase of lands.

7. The powers of the Corporation for the compulsory purchase of lands for the purposes of the reservoirs, lines of pipes, and works may be exercised within, but shall not be exercised after, five years from the passing of this Act.

Period for completion of works.

8. The reservoirs, lines of pipes, and works shall be completed within seven years from the passing of this Act, and on the expiration of such period the powers granted to the Corporation for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; but nothing herein shall restrict the Corporation from extending, enlarging, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires.

Alteration of section 92 of 32 & 33 Vict. c. cxlvii. as to compensation water to the Doonally Estate.

9. The 50,000 gallons of water which the Corporation are bound to deliver under section 92 of the Act of 1869 shall be delivered daily from the main conduit into an independent tank, constructed and maintained by the Corporation, of stone or concrete in such manner as to preserve the water therein against fouling; and the

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Corporation shall lay down and maintain a pipe for conveying the water thence, to, and across the bridge, called the Ivy Bridge, situate about 260 yards down stream from the point where the northern boundary of Roger Charles Parke's demesne crosses the Doonally River, and deliver the water in the said demesne at the said bridge; the said tank shall be placed not lower down stream than the county bridge next to and north of the said demesne, and the bottom of the tank shall not be lower than the top of the said county bridge. Instead of one hundred and fifty pounds, as provided by paragraph 2 of section 92 of the Act of 1869, the amount to be paid to Roger Charles Parke for the expense of works necessary for conducting the water from the point of delivery aforesaid shall not exceed seventy-five pounds; subject to the above-mentioned modification, the provisions of the Act of 1869 relative to Roger Charles Parke and his estate shall remain in force.

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10. The Corporation may, by special agreement, supply water for any purpose to any person beyond the boundary of the borough of Sligo, or to any adjoining district or township, on such terms and conditions as to the Corporation may seem fit, but it shall not be obligatory on the Corporation to furnish any such supply of water, and so far as may be necessary for such purpose the Corporation may exercise all necessary powers in that behalf.

Power to supply water beyond the borough.

11. At any time after the passing of this Act the Corporation shall, when so required by any other sanitary authority, sell to such other sanitary authority all pipes, fittings, and other apparatus for or connected with the distribution of water belonging to the Corporation, and which shall at such time be laid or lie in the district of such sanitary authority, excepting all such pipes, mains, and other works required and used, or that may be required and used, for supplying and conveying water into and for the borough of Sligo, at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and such sanitary authority, or failing such agreement as may be determined by an arbitrator to be appointed for such purpose by the Local Government Board for Ireland, on the application of either party, and after such sale the powers of the Corporation to supply water within the district of such sanitary authority shall cease.

Corporation, when so required, to sell pipes, &c. outside their district.

12. The power conferred by the 149th section of the Act of 1869 to increase the borough rate from four shillings and sixpence to five shillings in the pound as and when a contract has been entered into by the Corporation for the construction of the waterworks by that Act authorised is hereby repealed, and in lieu thereof be it enacted that the Corporation, for the purposes of the waterworks

Power to levy water rate.

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A.D. 1880. and water supply, by the Act of 1869 and this Act authorised to be made or completed and provided, may make, assess, and levy a water rate not exceeding in any one year the sum of two shillings in the pound, such rate to be made, assessed, and levied on all and singular the lands, houses, tenements, and premises, and rateable property in the borough of Sligo, in like manner and in every respect as the borough rate of four shillings and sixpence in the pound is authorised and directed by the Act of 1869 to be made, assessed, and levied; provided that such water rate shall not, together with the said borough rate of four shillings and sixpence in the pound, exceed in any one year the total rate or sum of six shillings and sixpence in the pound on such rateable value as aforesaid.

Produce of water rate to be carried to borough fund.

13. All money levied by the Corporation by means of the water rate under this Act shall be paid to the treasurer for the time being of the borough of Sligo, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

Rating of Midland Great Western Railway of Ireland Company.

14. Section 148 of the Act of 1869 is hereby repealed, and in lieu thereof be it enacted that the Midland Great Western Railway of Ireland Company shall not be assessed or liable to the payment of rates under the Act of 1869 and this Act, or either of them, in respect of their station and other buildings exceeding in the whole in any year five shillings in the pound on the annual rateable value thereof, and in respect of their railway they shall be assessed or liable to the payment of the said rates in the proportion of one-fourth part only of the annual rateable value thereof.

Revival of powers to purchase market rights under 32 & 33 Vict. c. cxlvii.

15. The powers and authorities conferred on the Corporation by section 126 of the Act of 1869 for the purchase of the "market rights" in the said section described are hereby revived, and accordingly the Corporation may, on or before the first day of September one thousand eight hundred and eighty-five, acquire and take, by compulsion or agreement, all and every the market rights, matters, and things in the said section described, and for that purpose sections 126, 127, 128, 129, 130, 131, and 132 of the Act of 1869 are hereby revived.

Power to borrow money.

16. The power to borrow money, not exceeding twenty-five thousand pounds, for the purposes of waterworks contained in section 168 of the Act of 1869 is hereby repealed, and in substitution therefor the Corporation, for the purposes of the waterworks by the Act of 1869 and this Act authorised, may from time to time borrow at interest thirty thousand pounds, and may mortgage the borough fund and the water rate which they are by this Act authorised to make, assess, and levy, or either of them, as a security for the repayment thereof, and all the provisions of the said Act of 1869

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relating to the borrowing and re-borrowing of money shall apply to the said sum or any part thereof. A.D. 1880.

17. All money borrowed by the Corporation under this Act shall be carried to the borough fund, but shall be treated as capital, and a separate account of the receipts and payments, credits and liabilities of the Corporation in respect thereof shall be kept by the Corporation. Application of money raised.

18. The town clerk shall, within 21 days after the first day of January of each year during which any sum is required to be set apart for a sinking fund under the Act of 1869, as amended by this Act, transmit to the Local Government Board for Ireland a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such town clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set aside the sum required by the Act of 1869, as amended by this Act, for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by the Act of 1869, as amended by this Act, the said Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the said Local Government Board out of Her Majesty's High Court of Justice in Ireland. Annual return to be made to Local Government Board for Ireland as to sinking fund.

19. All costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the first money to be received by them by virtue of the Act of 1869 and this Act, or either of them. Expenses of Act.