CHAPTER xvi.

An Act to amend the borrowing powers of the urban district council of Dundalk and for other purposes. A.D. 1908.

[18th June 1908.]

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

And whereas by the Dundalk Electric Lighting Order 1897 (herein-after called "the Electric Lighting Order") made under and in pursuance of the Electric Lighting Acts 1882 and 1888 and scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1897 the Dundalk Town Commissioners were empowered to supply electrical energy for public and private purposes within the town of Dundalk:

And whereas by the Dundalk Waterworks Provisional Order 1884 scheduled to and confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (Dundalk Waterworks) Act 1884 the Dundalk Town Commissioners appointed in pursuance of and acting under the Towns Improvement (Ireland) Act 1854 were authorised to purchase and take lands and waters for the purposes of constructing under the powers of the Public Health (Ireland) Act 1878 waterworks for supplying with water the town of Dundalk as constituted under the said Act of 1854:

And whereas by the said Local Government (Ireland) Act 1898 the town of Dundalk and the Dundalk Town Commissioners were

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respectively constituted the urban county district and the urban district council of Dundalk:

And whereas it is provided by section 238 of the Public Health (Ireland) Act 1878 that any money borrowed by the Council under the powers of borrowing conferred by that Act shall not at any time with the balances of all outstanding loans so borrowed exceed in the whole twice the net annual value of the premises assessable within the district:

And whereas the net annual value of the district on the first day of March one thousand nine hundred and seven was thirty-one thousand eight hundred and eighty-four pounds two shillings:

And whereas the said town commissioners long since constructed the said waterworks and under the powers conferred by the Public Health (Ireland) Act 1878 with the sanction of the Local Government Board borrowed the sum of thirty-six thousand four hundred and sixty pounds for the purposes thereof of which twenty-one thousand seven hundred and eighty-two pounds thirteen shillings and threepence was outstanding on the first day of November one thousand nine hundred and seven:

And whereas the said town commissioners and the Council have further borrowed under and for the purposes of the Public Health (Ireland) Act 1878 and other Acts the sum of thirty-four thousand nine hundred and eight pounds of which twenty-five thousand and forty-four pounds seventeen shillings and eightpence was on the said day outstanding:

And whereas the Council are unable within the limit of the borrowing powers now available to them under the Public Health (Ireland) Act 1878 to borrow sufficient money to carry the Electric Lighting Order into effect:

And whereas to enable them so to do it is expedient to provide that money borrowed by the Council in respect of their water undertaking shall not be included in the amount of borrowed money which the Council may at any time borrow or have outstanding under the Public Health (Ireland) Act 1878:

And whereas it is expedient that the Council should be authorised to erect on lands belonging to the Council herein-after described a station for generating electrical energy:

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

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of the Council at a meeting held on the eighteenth day of October one thousand nine hundred and seven after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Dundalk Examiner the Dundalk Democrat and the Dundalk Herald newspapers circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Council should promote the Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the funds rates rents and revenues of the district under the control of the Council:

And whereas such resolution was published twice in the said Dundalk Examiner Dundalk Democrat and Dundalk Herald viz. on the nineteenth and twenty-sixth days of October one thousand nine hundred and seven and has received the approval of the Local Government Board for Ireland:

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

And whereas the propriety of the promotion of the Bill for this Act was approved by a special resolution of the persons qualified to vote at an election of members of the Council passed at a meeting summoned and held in conformity with the provisions of section 7 of the Borough Funds (Ireland) Act 1888:

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

Short title.

1. This Act may be cited as the Dundalk Urban District Council Act 1908.

Amendment of Public Health Act as to borrowing.

2. In calculating the amount which the Council may borrow under the Public Health (Ireland) Act 1878 moneys borrowed by the Council for the purposes of waterworks shall not be reckoned as part of the debt of the Council for the purposes of the limitation on borrowing under section 238 of that Act.

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Power to erect generating station.

3. The Council may erect maintain and use on the lands described in the schedule to this Act a station or stations for producing and generating transforming storing and applying electrical energy with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and apply such energy accordingly Provided that nothing in this section shall exonerate the Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Costs of Act.

4. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons and the costs incurred by the Council in or with the object of complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act shall be paid by the Council out of the rates leviable by the Council throughout the district under the rating powers conferred upon them by the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Act 1878 in proportions to be determined by the Council or out of money borrowed by the Council under the authority of the Public Health (Ireland) Act 1878.

The SCHEDULE referred to in the foregoing Act.

Lands on which the Council may erect maintain and use Generating Station.

A piece of land containing three thousand eight hundred square yards or thereabouts situate in the parish of Dundalk in the town of Dundalk in the county of Louth being part of lands known as "Fair Green" being two hundred and twenty-five feet or thereabouts in length from east to west and one hundred and fifty-two feet or thereabouts in width from north to south the northerly corner of which is situate twelve feet or thereabouts from the northerly corner of "Fair Green" where it joins the Fair Green Road bounded on the north by the road called the Fair Green Road running from Saint Mary's Road at Saint Helena to the Bridge of Dundalk aforesaid and on the east south and west by other portions of the said lands known as "Fair Green."

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