CHAPTER lx.

A.D. 1879.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the borough of Waterford and to the town of Bangor. [3d July 1879.]

WHEREAS the Local Government Board for Ireland have made the Provisional Orders set forth in the schedule hereunto annexed, relative to the borough of Waterford and to the town of Bangor, under the provisions of the Public Health (Ireland) Act, 1878: 41 & 42 Vict. c. 52.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore 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:

The Provisional Orders in schedule confirmed.

1. The Orders set out in the schedule hereunto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Waterford, &c.) Act, 1879.

A.D. 1879.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BOROUGH OF WATERFORD WATERWORKS.

Provisional Order.

34 & 35 Vict. c. clxiii. Section 12.

WHEREAS by the Waterford Water Act, 1871, the mayor, aldermen, and burgesses of Waterford (herein-after referred to as "the Corporation") are empowered to make and maintain waterworks for supplying water to the districts within the limits of the Act, and by the said Act the Corporation is

Section 26.

empowered and required from time to time before proceeding to make any water rate under the Act to estimate and to fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying water as required by the Act, including the payment of the interest of any money borrowed, as well as any sum of money set apart as a sinking

Sections 27 and 28.

fund, in the manner provided by the Act. And the Corporation is empowered and required to levy certain rates to be called "The Domestic Water Rate," and "The Public Water Rate."

Section 54.

And the Corporation is empowered to borrow on mortgage for the purposes of the Act a sum or sums of money, not exceeding in the whole fifty thousand pounds, on the security of the rates, rents, and charges leviable or receivable under the authority of the Act and of the borough

Section 55.

fund, and of the corporate estates of the borough, and to re-borrow in the

Section 62.

manner provided by the Act. And it is enacted that from and after the first day of January one thousand eight hundred and eighty the Corporation shall annually set aside, from the income arising under the Act, a sum equal to one pound per cent. per annum on the amount from time to time raised and owing by the Corporation for the purposes of the Act, to be invested and to be appli-

Section 69.

cable to the redemption of any mortgages granted under the Act. And it is enacted that the costs, charges, and expenses of and incident and preparatory to the passing of the Act shall be paid out of the first moneys coming to the hands of the Corporation under the provisions of the Act:

And whereas a sum of fifty thousand pounds has been lent to the Corporation by the Commissioners of Public Works in Ireland for the purpose of constructing the said waterworks in pursuance of the Public Health (Ireland) Act, 1874, and by deed of mortgage, dated the seventeenth day of July one thousand eight hundred and seventy-five, and granted by the Corporation to the Commissioners of Public Works in Ireland, the rates leviable under the Waterford Water Act, 1871, the borough fund, and the corporate estates are charged with the said sum of fifty thousand pounds, together with interest thereon at the rate of four pounds per centum per annum, to be paid off by yearly instalments in fifty years, and the yearly sum payable under the said mortgage amounts for principal and interest to four pounds thirteen shillings and twopence per centum per annum on the said sum of fifty thousand pounds;

And whereas by the Waterford Waterworks Provisional Order, 1876, confirmed by the Local Government Board (Ireland) Provisional Orders (Coleraine, &c. Waterworks) Confirmation Act, 1876, all portions of the borough of Waterford lying north of the River Suir are exempted from the operation of the Waterford Waterworks Act, 1871, and the Corporation have no power to levy any rates upon premises situated on such portions of the borough. And the Corporation is not empowered or obliged to supply water to such portions of the borough:

And whereas the Corporation have presented a petition to the Local Government Board for Ireland, stating "that the costs and expenses of carry-
" ing out the Waterford Water Act, 1871, have been largely increased by
" unexpected opposition to the Waterworks Bill in Parliament, the rise in
" price of iron and other materials and labour, and the value of land, and by
" traverses on the part of landowners against the award of the arbitrator;
" and that although a portion of the intended works at the north side of the
" River Suir had been under the said Provisional Order dispensed with, a
" larger expenditure than the amount thereby saved has been incurred by the
" construction of filter beds at the Tycor reservoir, near the entrance of the
" city, and also by the large law costs incurred by the said traverses, the
" increased amount awarded for the land, and the increase in the size of the
" main supply pipe, and that a sum of four thousand pounds has been repaid
" to the borough fund on account of former expenditure for the existing
" water supply. That owing to the foregoing causes the said sum of fifty
" thousand pounds has been found insufficient to finish the works and to
" provide for the proper distribution of water through the city. That the
" works are nearly finished and the water has been brought within the
" borough bounds and is ready for distribution through the city, but that
" Mr. Hawksley, the engineer of the Corporation, is of opinion that the
" present limited distributing pipes are wholly unable to bear the pressure of
" the new supply, and must be replaced by a thoroughly new and improved
" distributing system, the expense of which is estimated at about seven thousand
" eight hundred and eighty-nine pounds seven shillings and sixpence. That
" at present not more than one-seventh part of the inhabitants of the city
" receive even a partial supply of water, the present distributing service being
" entirely too small, and only laid through a small portion of the said city:"

And whereas by the said petition the Corporation asked for power to borrow such further sum, not to exceed fifteen thousand pounds, as may be required for the entire completion of the waterworks undertaking:

And whereas the Corporation presented a further petition to the Local Government Board for Ireland, praying amongst other matters that the Waterford Water Act of 1871 should be altered and amended so as to remove any doubts which might exist as to the validity of the said mortgage to the Commissioners of Public Works, and to authorise the immediate levy of rates under the Act of 1871, notwithstanding that water is not being supplied by the Corporation through the whole city, and to authorise the issue of debentures

A.D. 1879.

for the proposed new loan of fifteen thousand pounds, to authorise the Commissioners of Public Works to lend same. To authorise the Corporation out of the said new loan to recoup to the waterworks account the sums already repaid to the said Commissioners on account of half-yearly instalments of the existing loan, and to authorise the said Commissioners to retain, or petitioners to pay to the said Commissioners out of the said new loan, any instalments of said existing loan which may be due at the date of the advancement of the said new loans, and to authorise the payment out of the new proposed loans of the several costs and expenses incurred in preparing and publishing notices of an application to Parliament in the session of 1878 for an Act to amend the Act of 1871, and of other expenses incurred in relation thereto, and of the cost of the Provisional Orders lately and now sought:

And whereas all public and other notices required by Act of Parliament having been previously duly served and given, and all objections to the proposed Provisional Order having been considered by the Local Government Board for Ireland, and local inquiries having been (after due public notice) held, at which all persons interested have been permitted to attend and make objections, it appears proper to the Local Government Board for Ireland to make and submit to Parliament this Provisional Order in respect to the matters aforesaid:

It is ordered by the Local Government Board for Ireland as follows:—

To authorise the Corporation to levy the rates under the Act of 1871 immediately.

1. It shall be lawful for the Corporation, and they are hereby empowered, when this Order shall be confirmed by Act of Parliament, to proceed to assess and levy the rates called in the Waterford Water Act, 1871, "The Domestic Water Rate" and "The Public Water Rate," although water may not then be actually supplied or distributed for domestic or public purposes in pursuance of the said Act.

To remove doubts as to the effect of the mortgage of the 17th July 1875.

2. From and after the time when this Order shall be confirmed by Act of Parliament, it shall be lawful for the Corporation to apply the moneys from time to time received by them in respect of the rates assessed and levied in pursuance of the Waterford Water Act, 1871, and of this Order, in repayment of the principal and interest on the said mortgage of the seventeenth of July one thousand eight hundred and seventy-five, according to the terms of the said mortgage, and the sum from time to time remaining due on foot of the said mortgage shall be deemed to be the first charge on the said rates. Provided always, that the security hereby provided for the repayment of the said mortgage debt and interest thereon shall be deemed to be in addition to the security now held by the Commissioners of Public Works for the repayment of the said mortgage debt, and this Order shall not be deemed in any manner to affect or to diminish the security now held by the said Commissioners of Public Works for the repayment of the said mortgage debt and interest thereon according to the terms of the said mortgage. And the said mortgage shall be deemed to be a valid charge according to the terms thereof upon the said rates, the borough fund, and the corporate estate.

A.D. 1879.

3. Any further sum or sums of money, not to exceed in the whole fifteen thousand pounds of principal money and interest thereon, which may hereafter be borrowed by the Corporation with the sanction of the Local Government Board for Ireland in pursuance of the two hundred and thirty-seventh section of the Public Health (Ireland) Act, 1878, shall be a charge upon the rates assessed and levied in pursuance of the said Waterford Water Act, 1871, and of this Order, next in priority to the said sum of fifty thousand pounds, and the interest thereon, and such rates may be mortgaged by the Corporation in addition to such other rates, funds, and property as they have power to mortgage with the sanction of the Local Government Board for Ireland under the provisions of the Public Health (Ireland) Act, 1878. — As to further borrowing power.

4. The Waterford Water Act, 1871, is hereby amended and altered so far as may be necessary for the purposes of this Order, but not otherwise. — Amendment and alteration of the Waterford Water Act, 1871.

5. This Order shall take effect when confirmed by Act of Parliament. — Commencement of Order.

6. This Order may be cited and referred to for all purposes as the Waterford Waterworks Provisional Order, 1879. — Short title of Order.

Given under our hands and seal of office, this tenth day of April one thousand eight hundred and seventy-nine.

(Signed) A. Power.
Charles Croker King.

The Local Government Board for Ireland.

TOWN OF BANGOR.

Provisional Order.

Whereas the town of Bangor, in the county of Down, contains, according to the last census, a population of two thousand five hundred and sixty, and is situate within and forms part of the rural sanitary district consisting of the Newtownards Poor Law Union, except such portion of the area as is comprised in the Newtownards Urban Sanitary District, and there are in the said town town commissioners elected and acting under the Towns Improvement (Ireland) Act, 1854, and the said commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, to separate the said town from the said rural sanitary district, and to constitute the said town an urban sanitary district: — 17 & 18 Vict. c. 103. 41 & 42 Vict. c. 52. s. 7.

And whereas the guardians of the poor of the Newtownards Poor Law Union, at a meeting duly summoned, have unanimously passed a resolution to the effect that the said guardians see no objection to the said resolution:

And whereas certain owners and rated occupiers of property in the said town having objected to the said proposed Order, the Local Government Board for Ireland have caused a local inquiry to be held in the said town into the matter of the said petition:

And whereas all notices and advertisements required by the last-mentioned Act have been duly given, served, and published: — 41 & 42 Vict. c. 52. s. 214.

A.D. 1879.

And whereas it appears to the Local Government Board for Ireland to be proper to make this Provisional Order in respect of the matters aforesaid:

It is ordered by the Local Government Board for Ireland as follows:—

Separation for sanitary purposes of the town of Bangor from the Newtownards Union.

1. From and after the time when this Order shall be confirmed by Act of Parliament, the said town of Bangor shall be separated from the rural sanitary district consisting of the Newtownards Union, except such portion of the area as is comprised in the Newtownards Urban Sanitary District, and the said town shall thenceforth constitute and be an urban sanitary district, subject to all the provisions of the Public Health (Ireland) Act, 1878, affecting urban sanitary districts.

Short title of Order.

2. This Order may be cited and referred to for all purposes as the Bangor Provisional Order, 1879.

Given under our hands and seal of office, this ninth day of April one thousand eight hundred and seventy-nine.

(Signed) A. Power.
R. M. Bellew.
Charles Croker King.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1879.