CHAPTER cxxxi.

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An Act to authorise the Guardians of the Mullingar Union to construct Waterworks and obtain Water Supply for the Town and Manor of Mullingar in the County of Westmeath and for other purposes. [31st July 1885.]

WHEREAS the Guardians of the Mullingar Union (herein-after in this Act called "the Guardians") are the rural sanitary authority of such union under the Public Health (Ireland) Act 1878.

And whereas the town and manor of Mullingar which are included within such union are very inadequately supplied with water.

And whereas it is expedient that the Guardians should be authorised to obtain a supply of water and for that purpose to raise the level of Lough Owel in the county of Westmeath and to make and maintain the works in this Act mentioned and to borrow money and apply their funds for that purpose.

And whereas plans and sections describing the lines situation and levels of the works authorised by this Act and showing the lands to be acquired compulsorily under the powers of this Act for the purposes of the said works and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all lands to be taken compulsorily have been deposited with the clerk of the peace for the county of Westmeath and are in this Act referred to as "the deposited plans sections and books of reference."

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 Mullingar Water Act 1885.

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Incorporation of general Acts.

2. The Lands Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 and the Railways Traverse Act herein-after collectively referred to as "the Lands Clauses Acts" the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and sections 53 54 55 56 57 and 58 of the last-mentioned Act relating to the substitution of other roads for roads interfered with and to the restoration of roads interfered with the provisions of the Waterworks Clauses Act 1847 with respect to the construction of the waterworks and with respect to the breaking up of streets for the purpose of laying pipes and with respect to the communication pipes to be laid by the undertakers and with respect to the communication pipes to be laid by the inhabitants and with respect to waste or misuse of the water supplied by the undertakers and with respect to the provision for guarding against fouling the water of the undertakers;

Provided—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only where the Guardians lay any pipes for the supply of water to the inhabitants of the town and manor of Mullingar: and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction: and

That section 44 of the last-mentioned Act shall for the purposes of this Act have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or of the agent "of such owner" were omitted therefrom and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner: Provided that the owner shall not in any circumstances be called on to pay for or in relation to the laying of any pipes by the occupier without the consent of the owner or for any supply of water by means of such pipes a greater sum including any sum he may have to pay in respect of the same premises under the provisions of the section of this Act the marginal note whereof is "power to levy rate" than the sums in that section mentioned;

And the Waterworks Clauses Act 1863 are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

Interpretation of expressions in

3. In construing for the purposes of this Act the Acts in the last preceding section mentioned unless there be something in the

subject or context repugnant to the respective constructions herein defined the expression "the special Act" means this Act the expressions "the promoters" "the promoters of the undertaking" "the undertakers" and "the company" mean respectively the Guardians the expressions "the railway" and "the undertaking" mean respectively the works by this Act authorised. general Acts.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction: Interpretation.

The expression "the Guardians" means the Guardians of the Mullingar Union;

The expression "the Local Government Board" means the Local Government Board for Ireland;

The word "person" includes a company or a corporation whether aggregate or sole;

The word "streams" includes brooks rivers and other running water;

The expression "Summary Jurisdiction Acts" means the Petty Sessions (Ireland) Act 1851 and the Acts amending or affecting the same;

The expression "court of summary jurisdiction" means any justice or justices of the peace or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts.

5. The Guardians and their successors in office shall and they are hereby authorised and required to carry this Act into execution with the powers and indemnities and according to the provisions of the Public Health (Ireland) Act 1878 and that Act shall in relation to the Guardians and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of that Act so far as the same shall be applicable thereto and except so far as any of the provisions of that Act are expressly varied or otherwise provided for by this Act. Guardians to carry Act into execution.

6. The limits of this Act (save as herein-after provided) for the supply of water (in this Act called "the water limits") shall be the town and manor of Mullingar. Limits of Act.

7. Subject to the provisions of this Act the Guardians may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands delineated on the Power to execute works and take lands.

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said plans and described in the deposited books of reference as may be required for that purpose (that is to say)

(1) The raising of the water level of Lough Owel (herein-after called Work No. 1) in the parishes of Mullingar Portnashangan Leny and Portloman in the county of Westmeath and its tributaries to a height not exceeding eighteen inches below the Ordnance Bench mark on the base stone at the corner of the existing valve house at the existing supply cut in the townland of Culleenmore in the said parish of Mullingar indicating 329·6 feet above the ordnance datum line and for that purpose they may raise the overfall at the head of the existing supply cut in the said townland and the overfall at Mount Murray in the townlands of Mount Murray and Rathbennet in the parishes of Portnashangan and Leny in the county of Westmeath in such way and by such means as they may from time to time find necessary to maintain said level.

(2) A tank (herein called Work No. 2) which is to be situate 70 yards or thereabouts north of the valve or sluice house at the head of the Royal Canal supply situate in the townland of Culleenmore parish of Mullingar.

(3) A conduit or line of pipes (herein called Work No. 3) forming a junction with Work No. 2 running in a south-easterly direction for a distance of 450 yards or thereabouts and terminating at a point 80 yards or thereabouts west of the first stone bridge or cattle pass over the supply to the Royal Canal east of the valve or sluice house and forming a junction with Work No. 4 situate in the townland of Culleenmore parish of Mullingar.

(4) A tank engine and pump house caretaker's house and road intended to lead from the public highway to the said tank engine and pump house and caretaker's house the said work being herein called Work No. 4 the road to pass alongside of the Longford branch of the Midland Great Western Railway of Ireland for a distance of 100 yards or thereabouts and for a further distance of 170 yards or thereabouts alongside the feed or supply conduit from Lough Owel to the Royal Canal The said tank engine and pump house and caretaker's house to be situate at a point herein-before mentioned as the terminal point of Work No. 3 in the townland of Culleenmore parish of Mullingar.

(5) A line of pipes herein called Work No. 5 commencing by a junction with tank referred to in Work No. 4 thence in an easterly direction for a distance of 900 yards or thereabouts and terminating by a junction with Work No. 6 herein-after

described on the south-western side thereof said Work No. 5 to be situate in the townland of Culleenmore parish of Mullingar.

(6) An impounding or storage reservoir herein called Work No. 6 formed in the field marked on the parliamentary plan with the number 25 bounded on all sides by parts of the same field in which works are to be situate and the property of James MacLaghlin and occupied by Thomas M. Reddy said works being situate in said field and wholly in townland of Culleenmore parish of Mullingar.

(7) A line of pipes herein called Work No. 7 commencing by a junction with Work No. 6 at the embankment on the south-western side thereof then in a south-westerly direction through the field marked on parliamentary plan with the number 25 the property of James MacLaghlin and occupied by Thomas M. Reddy as far as the public road and thence along the public roads for a distance of 600 yards thence over the bridge carrying the Royal Canal supply from Lough Owel to the said canal thence under the Mullingar and Longford branch of the Midland Great Western Railway of Ireland thence along the public roads and terminating at the side of Greville Street west end of Market Square Mullingar.

The said Work No. 7 to be situate in the townlands of Culleenmore Farranistick Irishtown Ballyglass Robinstown (Levinge) Commons (Fair Green) and Mullingar and all said Works Nos. 2 to 7 inclusive being situate in the parish of Mullingar barony of Moyashel and Maeheradernan and county of Westmeath.

Together with all needful embankments bridges ways basins gauges filters dams weirs waste weirs outfalls discharge pipes shafts tunnels aqueducts channels mains pipes junctions engines sluices conduits culverts wells adits cuts drains filtering beds valves by-washes tanks telegraphs telephones roads approaches and other works apparatus and conveniences necessary or expedient to be used as part of or in connexion with or subsidiary to the said reservoirs tanks lines of pipes and other intended works or any of them or in connexion with the collection storage and distribution of the water aforesaid or which may be necessary for conducting inspecting maintaining repairing cleansing or managing the works aforesaid or any of them or for the objects and purposes of this Act.

Saving of rights of H.M. Postmaster General.

8. Nothing in this Act contained shall affect the exclusive privileges conferred upon the Postmaster General by the Telegraph Act 1869 or authorise or enable the Guardians to transmit any telegram

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or to perform any of the incidental services of receiving collecting or delivering telegrams. The expression "telegram" in this Act has the same meaning as in the Telegraph Act 1869.

Power to appropriate the waters of Lough Owel.

9. The Guardians may subject to the provisions of this Act and to the rights of the Midland Great Western Railway of Ireland Company (herein-after called "the Midland Company") to take and use the waters of Lough Owel and its tributaries for the purposes of the Royal Canal belonging to them or other the purposes of their undertaking take collect impound use and appropriate for the purposes of this Act any waters of Lough Owel (not exceeding one million gallons in every twenty-four hours) which will be intercepted by any of the works by this Act authorised and all other streams and waters discovered in the construction of such works or in or under any lands acquired by the Guardians under the powers of this Act.

Provisions as to construction of works.

10. The following provisions shall have effect with regard to the construction of the works by this Act authorised:

(1) Before raising the level of Lough Owel under the powers of this Act the Guardians shall erect and for ever after maintain a standard showing the height to which they are authorised to raise such level and such standard shall be of such kind and erected on such site on the Clanhugh estate as shall be agreed on between the Guardians and the owner for the time being of the said estate or as failing agreement shall be determined by an engineer to be appointed by the Board of Public Works in Ireland on the application of either party.

(2) If by raising the level of Lough Owel any damage shall be done to the lands bordering on or in the neighbourhood thereof such lands shall be deemed to be lands injuriously affected by the execution of the works and the parties interested in the lands shall be entitled to compensation accordingly.

(3) At any time within three years after the raising by the Guardians of the water level of Lough Owel in pursuance of the powers conferred on them by this Act and whether the Guardians shall or shall not have raised the same to the extent herein-before authorised the owners or any of the owners for the time being of the lands bordering on the said Lough or in the immediate neighbourhood thereof may claim from the Guardians compensation for damage done to their respective lands by reason of the raising of the said water level or by the works of the Guardians for the purposes thereof whether such damage consists in the covering of the said lands by the heightened water of the lough or by the washing away of the said lands or by soakage or otherwise and such claim may

relate not only to the damage theretofore done to the said lands by the means aforesaid in so far as the same may not have been already compensated but also to the permanent injury which may be fairly apprehended thereto from the exercise of the powers of this Act and if the Guardians dispute any such claim the same shall be referred to arbitration in the manner prescribed by the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputed compensation.

i. Provided that any number of owners of lands in respect of which compensation is claimed may join in the same reference to arbitration and the award shall in that case specify the amount of money (if any) to be paid to each claimant.

ii. Provided also that any gross sum awarded in respect of a claim for past and prospective damage shall be deemed to be full compensation for all damage which may have been done to the said lands previously to the date of the said award by reason of the works of the Guardians in raising the said water level and also for all damage which may thereafter accrue to the said lands by reason of the said works and shall exonerate the Guardians from all further claims with respect to damage to the said lands.

iii. Provided also that nothing contained in this Act or in the deposited plans and no payment or compensation made by the Guardians by virtue of any such award shall divest the said owners or any of them of their several estates in the lands to which the said compensation relates or shall confer upon the Guardians any title or interest (whether legal or equitable) in or to the said lands or any power of entry therein or use thereof.

(4) The provisions of section 63 of the Public Health (Ireland) Act 1878 shall not apply to the reservoir and works by this Act authorised.

Power to deviate laterally and vertically.

11. In the construction of the works by this Act authorised the Guardians may deviate laterally from the lines of such works provided that such deviations shall not extend beyond the limits of lateral deviation defined upon the deposited plans and the Guardians may deviate vertically from the levels of such works other than reservoirs as defined on the deposited sections with reference to the datum line to any extent not exceeding 5 feet Provided that nothing in this section shall authorise the Guardians to alter the level of Lough Owel except as is in this Act expressly

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provided also that the Guardians shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall.

Guardians not to acquire houses of the labouring classes.

12. (1) The Guardians shall not in the exercise of the powers of this Act without the consent of the Local Government Board purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(2) The expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own families and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands and waters.

13. The powers of the Guardians for the compulsory purchase of lands or waters for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Power to purchase land by agreement.

14. The Guardians may from time to time purchase or lease by agreement for any of the purposes of this Act any quantity of land not exceeding in the whole ten acres in addition to the lands which they are authorised to purchase under the compulsory powers of this Act Provided always that any land purchased or leased by agreement by the Guardians under the powers of this section shall not be built upon by the Guardians except for the purpose of offices or buildings requisite for their undertaking or houses for their officers or cottages for labourers or caretakers in the employment of the Guardians.

Period for completion of works.

15. If the works authorised by this Act are not completed in seven years from the passing of this Act then on the expiration of that period the power by this Act granted to the Guardians for making and completing such works shall cease to be exercised except so much thereof as is then completed.

Power to take easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Guardians and the Guardians may take and hold any easement right or privilege

not being an easement of water required for the purposes of this Act in over or affecting any such lands at a yearly rent or otherwise and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Supply regulated by gravitation.

17. The Guardians shall not be bound at any time to supply water at a pressure greater than is afforded by gravitation from the reservoir tanks to be constructed under the powers of this Act.

Water for other than domestic purposes.

18. The Guardians may supply any person within the water limits with water for other than domestic purposes on such terms as they and he agree on but notwithstanding any such agreement no person shall be entitled to such a supply whenever and as long as the Guardians are of opinion that the same would interfere with the supply of water for domestic purposes under this Act.

Guardians may take deposit.

19. In the case of all agreements or contracts for the supply of water by the Guardians for other than domestic purposes the Guardians may demand and receive by their officers and servants payment in advance by way of deposit Provided always that the Guardians shall deduct the amount of such deposit from the amount payable under any such agreement or contract by the person who made such deposit as aforesaid.

No contract entered into shall disqualify persons from acting as guardians.

20. No person entering into an agreement or contract with the Guardians for a supply of water and no person becoming a mortgagee of the water revenues of the Guardians shall thereby be disabled from being continuing or acting as a guardian or as an officer or servant of the Guardians or shall incur any penalty by reason of the fulfilment of any such agreement or contract or of his being continuing or acting as such guardian officer or servant.

Guardians may supply in bulk &c.

21. The Guardians may contract and agree with any public authority company or person for the supply by the Guardians of water in bulk or otherwise for public or private purposes within the water limits but not so as to interfere with the sufficiency of the supply for domestic purposes.

Power to supply water by measure.

22. The Guardians may require any person supplied with water for other than domestic purposes or any public authority company or person supplied by agreement or contract as aforesaid to take and pay for his or their supply by measure.

Temporary interruption of supply.

23. From and after the completion of the works by this Act authorised the Guardians may at any time in their discretion authorise the laying constructing removing renewing or repairing any of their pipes works or fittings used in or in relation to water

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supply and during the execution of any such works or operations the Guardians shall not be bound to furnish any further water supply within any part of their district affected by such operations than the convenient conduct of such operations will permit.

Provision as to water-closets and baths.

24. The Guardians shall not be compelled to supply with water any watercloset or bath unless the same and the apparatus and pipes connected therewith shall be so constructed and used as to prevent the waste misuse and undue consumption of the water of the Guardians and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Guardians or into any pipes connected or communicating therewith or to supply with water any private bath which is so made as to hold when filled more than fifty gallons of water.

Power to supply water beyond the water limits.

25. (1) The Guardians may make and carry into effect contracts with any person or persons for the supply of water by the Guardians beyond the water limits;

(2) Such supply may be in bulk or otherwise as may be agreed on;

(3) Any water rents or other moneys payable under any such contract may be recovered by the Guardians in a summary manner before a court of summary jurisdiction or at their option in the Civil Bill Court where the amount of the rents or moneys sought to be recovered is within the jurisdiction of the said courts respectively or in the High Court of Justice in Ireland;

(4) No contract shall be made under this section which would interfere with the sufficiency of the supply for domestic purposes within the water limits.

Notice of discontinuance.

26. Notice to the Guardians for the discontinuance of the supply of water shall not be of any effect unless it is in writing and is left at the office of the Guardians.

Prevention of waste.

27. If any person to whom water is supplied by the Guardians is detected wilfully or negligently causing or permitting waste of the water supplied by the Guardians whether such waste is owing to his own default or neglect or to any defective pipes fittings valves cocks or other water apparatus belonging to or used by him he shall forfeit and pay to the Guardians a sum not exceeding five pounds over and above any damage or loss sustained by the Guardians and the powers of this section shall be in addition to all other remedies and powers vested in or exerciseable by the Guardians.

Power to levy rate.

28. In order to defray the expenses of carrying this Act into execution and for the general purposes of water supply within the water limits the Guardians at any time after the passing of this

Act and from time to time may make and levy a rate as part of the poor rate within the water limits by a special poundage rate to be added to the poor rate and recoverable in the same manner and with the same remedies by the collectors of the poor rate and lodged to the credit of the Guardians with the treasurer of the union and carried to a separate account and every person upon whom such special poundage rate shall be levied shall be entitled to make the same deduction from the rent which he may be liable to pay as he would be entitled to make if the same were levied for carrying into execution the laws for the relief of the destitute poor in Ireland and the person from whom such deduction shall be made shall in like manner be entitled to deduct from any rent paid by him such proportion of the amount so deducted from the rent paid to him as he would be entitled to deduct if the rate were made for the relief of the destitute poor Provided that if and when any such rate shall amount to the sum of one shilling and sixpence or upwards in the pound on the rateable value of the premises rated the owners their heirs sequels in estate and assigns shall not be bound to pay in respect of any such premises belonging to them the rateable value of which shall be four pounds per annum or upwards nor to allow to the tenants thereof any greater sum in respect of any such rate than ninepence in the pound of such rateable value nor shall they as to any such premises the rateable value of which shall be under four pounds per annum be liable to pay a higher rate than one shilling and sixpence in the pound on the rateable value thereof.

Rating of Midland Great Western Railway (of Ireland) Company.

29. And whereas the Midland Company have at considerable expense provided at their Mullingar Station a supply of water for the purposes of their undertaking and will not be benefited by the expenditure on waterworks by this Act authorised be it enacted that that company shall be assessed and liable to the special poundage rate by this Act authorised in respect of their railway in the proportion of one-fourth part only of the annual value thereof Provided always that if at any time hereafter the Midland Company shall apply to the Guardians for a supply of water for their said station premises and conveniences they shall be entitled to receive such supply and the Guardians shall be bound to furnish the same at a rate equal to one fourth of the rate for the time being charged by the Guardians in respect of water supply to the general public under the powers of this Act or of any future Act.

Saving rights of Midland Great Western

30. Nothing in this Act contained shall alter vary prejudice diminish impair or take away any of the rights privileges or powers of the Midland Company with respect to Lough Owel and its tributaries and their right to obtain and use the waters of the said

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Railway (of Ireland) Company.

lough and its tributaries for the purposes of the Royal Canal belonging to them or other the purposes of their undertaking under and by virtue of any of the Acts relating to the Midland Company or their undertaking or otherwise or to execute any works which may from time to time become necessary for continuing and maintaining the supply of water from the said lough for the purposes of the Midland Company and in carrying into effect the powers by this Act granted for raising the level of the waters of the said lough and taking the waters which will be intercepted by the works hereby authorised for raising such level the Guardians shall not be entitled by reason of their carrying out such works so authorised and thereby raising the level of the waters of the said lough to withdraw water therefrom to the prejudice of the Midland Company or in any way to diminish the supply of water from the said lough which the Midland Company may from time to time require for the purpose of maintaining the navigation of the said canal or for the supply of water to their station at Mullingar and the works and conveniences connected therewith or otherwise for the purposes of their undertaking and the Guardians shall indemnify and compensate the Midland Company in respect of all loss injury or damage of every kind which may be sustained by that company by reason or in consequence of the execution of the works hereby authorised for raising the water of the said lough or otherwise in carrying into effect the powers of this Act.

Power to borrow.

31. (1) The Guardians may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest on mortgage of the rates and moneys coming to them under this Act such sum or sums of money as they from time to time think fit not exceeding in the whole ten thousand pounds;

(2) Money so borrowed shall be applied firstly in payment of the costs of this Act and afterwards in payment of the costs of constructing the waterworks by this Act authorised;

(3) Money so borrowed shall be applied only to the purposes for which it is authorised to be borrowed being in all cases purposes to which capital is properly applicable;

(4) Money so borrowed shall be repaid within sixty years from the borrowing of the same either by yearly instalments or by means of yearly appropriations to a sinking fund accumulated and from time to time applied for that purpose Provided that it shall not be obligatory on the Guardians to pay off any money or make any appropriations for a sinking fund before the expiration of five years from the time when the money was borrowed Provided that the instalments or appropriations to the sinking fund shall be of such amounts as the Local Government Board directs;

(5) If having borrowed any money under the provisions of this Act the Guardians pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the re-payment of the moneys in lieu of which such re-borrowing has been made;

(6) The powers of borrowing and re-borrowing money conferred by this section shall not be in any way restricted by any of the provisions or regulations of the Public Health (Ireland) Act 1878 and in calculating the amount which the Guardians may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions as to mortgages.

32. The provisions of sections 240 241 242 and 243 of the Public Health (Ireland) Act 1878 with respect to mortgages and the appointment of a receiver shall apply to all mortgages granted by the Guardians under the powers of this Act.

Annual return to Local Government Board with respect to sinking fund.

33. The clerk to the Guardians shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board 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 paid as an instalment or 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 clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Guardians have failed to pay any instalment or to set apart the sum required 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 this Act the 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

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sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice in Ireland.

Protection of lenders from inquiry.

34. A lender of money to the Guardians under this Act shall not be bound to inquire respecting the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or of any part thereof.

Application of rates.

35. The rates and moneys in the nature of revenue levied or received under the authority of this Act shall be applied in manner following (that is to say):

First. In payment of the cost charges and expenses of and incidental to the levying collecting and recovering the rates and charges and borrowing of moneys under this Act and in payment of the expenses of conducting managing and maintaining and otherwise carrying on the water undertaking of the Guardians;

Secondly. In payment of the interest upon the mortgages or other securities created or granted under the provisions of this Act;

Thirdly. In payment of the sum required to be annually set apart and appropriated for the purpose of the sinking fund or for payment of instalments as herein provided.

Fourthly. In payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes and other water apparatus as may from time to time be requisite and of any other annual expenditure which may in the opinion of the Guardians be necessary or expedient for giving effect to the purposes of this Act.

Judges &c. not disqualified.

36. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge thereunder or by reason of his being a mortgagee of the Guardians.

Form of notices &c.

37. Any summons demand or notice or other document under or for the purposes of this Act may be in writing or print including lithograph or partly in writing and partly in print including lithograph.

Saving rights of Midland Great Western Railway (of Ireland) Company.

38. Save as is by this Act otherwise provided nothing in this Act shall alter vary prejudice or affect the rights powers privileges estates or interests of the Midland Company in Lough Owel or the Royal Canal or navigation.

Powers of Act cumulative.

39. All powers rights and remedies given to the Guardians by this Act shall (except where otherwise expressly provided) be

deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Guardians may exercise such powers as if this Act had not been passed.

Saving rights of Guardians.

40. Nothing in this Act shall take away abridge or prejudicially affect any right power authority estate or interest of the Guardians under the Public Health (Ireland) Act 1878 or otherwise howsoever and every such right power authority estate and interest may be had enjoyed and exercised by the Guardians as fully and effectually as if this Act had not passed.

Expenses of Act.

41. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (in this Act referred to as "the costs of this Act") shall be paid by the Guardians out of any of their funds but shall be recouped by and charged to the moneys to be borrowed by the Guardians under the powers of this Act.

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