CHAPTER clvii.

An Act for the Improvement of the Town of Newry; and to confer further powers on the Town Commissioners of Newry; and for other purposes. [12th August 1889.] A.D. 1889.

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 called "the Act of 1854"), is in force: 17 & 18 Vict. c. 103. (public).

And whereas by the Newry Improvement and Water Act, 1871 (in this Act called "the Act of 1871"), the Commissioners elected and acting under the Act of 1854 were incorporated by the name of "The Town Commissioners of Newry" (in this Act called "the Commissioners"), and further powers were conferred upon them for the local government of the town of Newry, and the supply of water to the same, and the borrowing of money; and it was thereby provided that 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 should be not less than one sixtieth of the money so borrowed: 34 & 35 Vict. c. cxcviii.

And whereas by the Newry Commissioners Gas Act, 1878 (in this Act called "the Act of 1878"), the Commissioners were authorised to purchase and acquire, on the terms in that Act mentioned, the undertaking and works of the Newry Gas Consumers Company, Limited, and to borrow further moneys for that purpose, and such purchase was shortly afterwards carried into effect, and the said undertaking and works acquired by the Commissioners: and it is provided by section thirty of the Act of 1878 that the Commissioners shall, after the expiration of three years from the passing of that Act, set apart out of the residue of the gas fund as a sinking fund, after making the payments therein-before directed, a sum not less than one pound per centum per annum on the amount borrowed under that Act, which sinking fund shall from time to time, with the accumulations thereof, be applied by the Commissioners to the redemption of mortgages or debenture stock granted under that Act, 41 & 42 Vict. c. cxxii.

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and not otherwise, with the following proviso: "Provided always "that whenever any mortgages or debenture stock have been so "paid off, the Commissioners shall thenceforward, until the whole "of the mortgages and debenture stock have been paid off, pay "into the sinking fund every year, in addition to the other sums "herein-before required to be set apart and appropriated, a sum "equal to the annual interest of the mortgages and debenture stock "so paid off: Provided further that whenever and so long as the "yearly income arising from the sinking fund shall be equal to the "annual interest of the mortgages and debenture stock then due "and outstanding, the Commissioners may, in lieu of investing the "said yearly income, apply the same in payment of such interest, "and may, during such periods, discontinue the payment to such "sinking fund of the yearly sums required to be paid thereto:"

And whereas a statement of the existing debt of the Commissioners is contained in the First Schedule to this Act:

41 & 42 Vict. c. 52 (public).

And whereas the Commissioners are the urban sanitary authority for the town of Newry under the provisions of the Public Health (Ireland) Act, 1878:

And whereas the construction of the works by this Act authorised would greatly improve the drainage and water supply of the town of Newry, and be conducive to the health of the inhabitants thereof:

And whereas it is expedient that the Commissioners be authorised to acquire lands for the purposes of constructing and maintaining thereon a town hall and public offices and a slaughter-house, and for the other purposes in this Act mentioned:

And whereas the amount of the estimate of the expense of the works authorised by this Act is thirty-seven thousand pounds:

And whereas the moneys borrowed by the Commissioners under the Acts of 1871 and 1878 might now be borrowed at a lesser rate of interest if the loans under those Acts were consolidated and charged on all the rates, funds and revenues of the Commissioners, and it is expedient that the Commissioners be authorised to borrow in the manner in this Act provided the moneys necessary for paying off and redeeming their existing debt, and for the purposes of this Act:

And whereas it is expedient that further powers in relation to water supply and other matters should be conferred upon the Commissioners:

And whereas the Commissioners, by an absolute majority of their whole number, at a meeting, held on the fifth day of November, one thousand eight hundred and eighty-eight, after special notice setting forth the nature of the proposed application to Parliament for the Bill for this Act, by resolution approved of such application, and

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such application was confirmed by an absolute majority of the whole number of the Commissioners at a subsequent meeting, held on the third day of December, one thousand eight hundred and eighty-eight, notice of which subsequent meeting, together with the proceedings at the former meeting, was duly advertised in each of the weeks intervening between the two meetings in the Newry Telegraph and the Newry Reporter, being newspapers circulating in the town of Newry, and special notice in writing of the subsequent meeting was given to each of the Commissioners:

And whereas after the holding of such subsequent meeting, the said resolution, together with the proceedings at the former meeting and at the subsequent meeting, were duly advertised for four successive weeks in the newspapers aforesaid, and public notice thereof was also given by means of placards posted in public places within the town of Newry, reference being made in all such advertisements and notices to the fact that the plans or particulars of the works or matter to which the resolution related might be seen gratuitously by the ratepayers at the Town Commissioners office, Newry:

And whereas no remonstrance against carrying into effect such resolution, or any part thereof, signed by the ratepayers, was presented to the Commissioners:

And whereas plans and sections showing the situation, lines and levels of the works authorised by this Act, and the lands by this Act authorised to be acquired for the purposes thereof, and books of reference to those plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the respective clerks of the peace for the county of Armagh and for the county of Down, and are herein-after referred to as the deposited plans, sections and books of reference:

And whereas the purposes 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):—

Preliminary.

1. This Act may be cited as the Newry Improvement Act, 1889. Short title.

2. The following Acts, so far as applicable for the purposes of and not varied by or inconsistent with this Act, are incorporated with and form part of this Act (that is to say):— Incorporation of Acts.

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The Lands Clauses Consolidation Act, 1845 (save so far as any of the provisions thereof are inconsistent with the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act);

The clauses and provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and also the sections of the last-mentioned Act, numbered fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven, relating to the substitution of other roads for roads interfered with;

The Lands Clauses Consolidation Acts Amendment Act, 1860;

The Railways Act (Ireland), 1851;

The Railways Act (Ireland), 1860;

The Railways Act (Ireland), 1864;

The Railways Traverse Act;

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except sections eighty-four and eighty-five;

Sections thirty and thirty-one of the Towns Police Clauses Act, 1847.

Interpretation of terms in general Acts.

3. In construing for the purposes of this Act the Acts mentioned in the last preceding enactment, the expressions "the promoters," "the promoters of the undertaking," and other like expressions mean the Commissioners, and the expressions "the railway" and "the undertaking" mean the works by this Act authorised.

Interpretation.

4. In this Act the following expressions have the respective meanings herein-after assigned to them (that is to say):—

"The Commissioners" means the Town Commissioners of Newry;

"The town" means the town of Newry;

"The Act of 1854" means the Towns Improvement (Ireland) Act, 1854;

"The Act of 1871" means the Newry Improvement and Water Act, 1871;

"The Act of 1878" means the Newry Commissioners Gas Act, 1878;

"The Newry town rate," "the Newry town fund," "the Newry water rate" and "the Newry water fund" have the meanings respectively assigned to them by the Act of 1871;

"The Newry gas fund" has the meaning assigned to it by the Act of 1878;

"Town clerk" means the clerk to the Commissioners;

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

"Person" includes corporation:

The several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Act to be executed by the Commissioners.

5. This Act shall be carried into execution by the Commissioners with the powers, privileges, rights and indemnities of the Act of 1854 and of the Public Health (Ireland) Act, 1878, and those Acts shall, in relation to the Commissioners, their officers, servants and agents, and the several objects and purposes of this Act, be read and construed as if the purposes of this Act were purposes of those Acts, and as if the provisions of this Act were provisions of those Acts, except so far as any of the provisions of those Acts are expressly varied or otherwise provided for by this Act.

Power to Construct Works and take Lands.

Power to make and maintain works.

6. Subject to the provisions of this Act the Commissioners 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 said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are:—

1. A main sewer commencing at a point fifty-five feet or thereabouts in a south-easterly direction from the south-east corner of the stone bridge over the Newry river, in the townland of Carney Hough, in the parish of Newry and county of Down, and terminating at a point in the bed of the Newry river two hundred yards or thereabouts south of the Great Northern Railway bridge over the said river, in the townland of Drumalane, in the parish of Newry and county of Armagh;
2. Two filter basins, each basin measuring fifty yards by twenty yards or thereabouts, and situate respectively on the north and south sides of the existing service reservoir of the Camlough Waterworks Trustees, and immediately adjoining thereto, in the townland of Derrybeg, parish of Newry and county of Armagh;
3. The covering in of so much of the tidal river flowing through the town as lies between the south face of the stone bridge and the north face of the Needham Bridge, and the slob and other lands and structures along the banks thereof between the aforesaid points in the townland of Carney Hough, parish of Newry and county of Down, and townland of Lisdrumgullion, parish of Newry and county of Armagh.

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Power to deviate.

7. The Commissioners, in making the works by this Act authorised, may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and from the levels thereof shown on the deposited sections to such extent as they may find necessary or convenient for effecting the objects of the works, not exceeding in any case three feet upwards and ten feet downwards: Provided that no deviation below high water, either lateral or vertical, shall be made without the consent of the Board of Trade.

Power to take certain lands.

8. The Commissioners may acquire, by compulsion or otherwise, for the purposes of this Act, the lands and premises delineated on the deposited plans and described in the deposited books of reference relating thereto.

Period for compulsory purchase of lands.

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

Works below high-water mark not to be commenced without consent of Board of Trade.

10. The Commissioners shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and re-flows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid, and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same, without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition at the cost and charge of the Commissioners, and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown, and shall be recoverable accordingly with costs.

Survey of works by Board of Trade.

11. If at any time the Board of Trade deems it expedient, for the purposes of this Act, to order a survey and examination of a work constructed by the Commissioners on, in, over, through or across tidal lands, or tidal water, or of the intended site of any such work, the Commissioners shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Commissioners.

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Abatement of work abandoned or decayed.

12. If a work constructed by the Commissioners on, in, over, through or across tidal lands, or a tidal water, is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work, or any part of it, and restore the site thereof to its former condition, at the expense of the Commissioners, and the amount of such expense shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Commissioners.

Saving rights of the Crown in the foreshore.

13. Nothing contained in this Act 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, and under the management of the Board of Trade, 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 this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in, or enjoyed, or exercisable by the Queen's Majesty, Her heirs or successors.

Restrictions on displacing persons of labouring class.

14. (1.) The Commissioners shall not, under the powers by this Act granted, purchase or acquire ten or more houses which, after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, unless and until—

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such number of persons as the Local Government Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally; and after the Local Government Board have approved of any such scheme, they may from time to time approve, either absolutely or conditionally, of any modifications in the scheme.

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(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced: Provided that the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions (if any) as they may see fit.

(4.) Any conditions, subject to which the Local Government Board may have approved of any scheme under this section, or of any modifications of any scheme, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice in Ireland.

(5.) If the Commissioners acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions, or displace, or cause to be displaced, the persons residing in any house or houses in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice in Ireland, and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may, if it think fit, reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section, the Commissioners may appropriate any lands for the time being belonging to them, or which they have power to acquire: Provided that nothing in this section shall relieve the Commissioners from the necessity of obtaining the approbation of the Commissioners of Her Majesty's Treasury for such appropriation or use of any lands as would require such approbation under the Act of the 3 and 4 Vict., cap. 108, for the regulation of Municipal Corporations in Ireland and any other general Act.

(7.) Subject to the provisions of this section, the Commissioners and the Local Government Board and their inspectors shall have, and may exercise, for any purpose in connexion with any scheme under this section, all or any of the powers vested in them under the Public Health (Ireland) Act, 1878, in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act: Provided that all lands on which any buildings have been erected, or provided by the Commissioners in pursuance of any scheme under this section, shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings, and every conveyance,

demise or lease of such lands and buildings shall be endorsed with notice of this enactment: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection, subject to such conditions (if any) as they may see fit.

(8.) The Commissioners shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section, and any expenses incurred by that Board in relation to any inquiries under this section, including the expenses of any witnesses summoned by the inspector holding the inquiry, and a sum to be fixed by that Board, not exceeding three guineas a day, for the services of such inspector.

(9.) For the purposes of this section 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 family, 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.

Correction of errors as to lands.

15. If any omission, misstatement or wrong description is found to have been made of any lands, or of any owners, lessees or occupiers of any lands described or intended to be described in the deposited plans or books of reference, the following provisions shall have effect (that is to say):—

The Commissioners may apply to two justices for the correction thereof, after giving ten days notice in writing to the owners, lessees and occupiers of the lands affected by the proposed correction:

If it appear to such justices that the omission, misstatement or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, misstatement or wrong description: The certificate shall be deposited with the clerk of the peace for the county of Armagh, or the county of Down, as the case may be, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans and books of reference shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take and use the lands accordingly:

A copy or extract from such certificate, purporting to be under the hand of the clerk of the peace for the county of Armagh, or

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the county of Down, as the case may be, shall be sufficient evidence of such correction.

Period for completion of works.

16. If the works herein-before authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing such works, or otherwise in relation thereto, shall cease, except as to so much thereof as is then completed.

Power to construct town hall, slaughter-houses and new streets.

17. The Commissioners may, on the lands acquired by them under the powers of this Act, or any part of such lands, construct and maintain a town hall and public offices for the use of the town and the discharge of public business relating thereto, and may provide all necessary furniture, conveniences, and appliances for the same, and for the purposes aforesaid may alter, enlarge, improve or adapt any existing house or building on such lands, and may on such lands, or any part thereof, construct and maintain one or more slaughter-houses, with all necessary conveniences and appliances, and may appropriate such lands or any part thereof for the purpose of making new streets, or of widening, opening, enlarging or otherwise improving any street.

Commissioners to have control of town hall.

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

Power to sell lands not required.

19. The Commissioners may, from time to time, sell, lease, exchange or otherwise dispose of any lands, or any parts thereof, acquired by them under the powers of this Act and not wanted for the purposes thereof, and make, execute and do any deed, act or thing proper for effectuating any such sale, lease, exchange or other disposition, and any lands so sold, leased or otherwise disposed of by them shall be absolutely freed and discharged from all mortgages and other securities granted by the Commissioners under this Act, and the person to whom such sale, lease or other disposition shall have been made shall not be bound to see or inquire into the application by the Commissioners of the money arising therefrom, or be answerable for the misapplication thereof.

Application of purchase money.

20. Any purchase money received on any sale of land, and any money received for equality of exchange by the Commissioners under this Act, shall be paid into, and form part of the Newry

town fund, and shall be applied towards the improvement of the town.

Power to appropriate lands for purposes of Act.

21. Subject to the provisions of this Act, the Commissioners from time to time may retain, appropriate and use for any of the purposes of this Act any lands from time to time vested in them as a municipal or sanitary authority.

Borrowing Powers.

Repeal of borrowing powers under Acts of 1871 and 1878.

22. The provisions contained in the Acts of 1871 and 1878, authorising the Commissioners to raise money by borrowing, shall be and the same are hereby repealed, except so far as such borrowing powers have been exercised.

Power to borrow.

23. (1.) The Commissioners may from time to time borrow, at interest, such sum or sums of money as they think fit, not exceeding one hundred and ten thousand pounds, and in order to secure the moneys so borrowed they may mortgage the Newry town fund, the Newry town rate, the Newry water fund, the Newry water rate, the Newry gas fund, and all other their rates, funds and revenues, or any of them.

(2.) Money borrowed under this section shall be applied by the Commissioners, firstly, in payment of the costs of this Act, and secondly, in paying off, redeeming or replacing their existing debts under the Acts of 1871 and 1878 respectively, in the construction of works and purchase of lands by this Act authorised, and generally for any purposes of the Commissioners to which capital is properly applicable: Provided that the amount to be applied in the construction of works and purchase of lands by this Act authorised shall not exceed thirty-seven thousand pounds.

(3.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed, being in every case purposes to which capital is properly applicable.

(4.) Money borrowed under this section shall be repaid as follows, (that is to say) Forty thousand pounds, being the amount authorised to be borrowed under the Act of 1878, within forty years from the passing of this Act, twenty-nine thousand six hundred and twenty-six pounds, being the amount authorised to be borrowed in respect of the balance of the debt under the Act of 1871, within forty-two years from the passing of this Act, and forty thousand three hundred and seventy-four pounds, being the amount authorised to be borrowed in respect of the costs and for the purposes of this Act, within sixty years from the borrowing of the same.

Re-borrowing.

(5.) If, having borrowed any money under the provisions of this section, the Commissioners pay off the same, or any part thereof,

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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 money so re-borrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such re-borrowing has been made.

(6.) The powers of borrowing money conferred by this section shall not be restricted by any of the regulations contained in the Public Health (Ireland) Act, 1878.

(7.) Sections 240 to 243 inclusive of the Public Health (Ireland) Act, 1878, shall apply to all mortgages granted under the provisions of this section.

Provisions as to borrowing and re-borrowing under Act of 1878.

24. The sum of forty thousand pounds, or any part thereof, borrowed under the preceding section, in respect of the balance of the debt under the Act of 1878, shall, for the purposes of section forty-one of that Act, be deemed to be money borrowed under that Act, and the provisions as to re-borrowing in that enactment contained shall apply to the said sum of forty thousand pounds or any part thereof accordingly.

Sinking fund.

25. The Commissioners shall pay off all moneys borrowed by them under the powers of this Act, either by equal annual instalments or by equal annual contributions to a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose: Provided that as to the sum of forty thousand three hundred and seventy-four pounds, authorised to be borrowed under this Act, or any part thereof, it shall not be obligatory on the Commissioners to pay off any part thereof or make any appropriations for a sinking fund in respect thereof before the expiration of five years from the passing of this Act.

Raising contributions for interest and sinking fund.

26. (1.) The Commissioners shall in each year provide the sums necessary in that year for the payment of the interest on and instalments or contributions to a sinking fund for the redemption of the moneys borrowed and debenture stock issued under this Act from the several rates, funds and revenues of the Commissioners primarily liable to provide the same.

(2.) If by reason of any limit of rate, or for any other reason, there is a deficiency in any rate, fund or revenue in respect of any required contribution, the Commissioners shall advance the amount of the deficiency out of any other rate, fund or revenue.

(3.) The amount so advanced shall be a debt due from the rate, fund or revenue in which the deficiency existed, to the rate, fund or revenue out of which the advance is made, and interest shall be payable thereon at the rate of four pounds per centum per annum

until repayment, and such debt and interest shall, as soon as in the judgment of the Commissioners reasonably may be, be raised and paid out of the rate, fund or revenue in which the deficiency existed.

(4.) For the purposes of this section so much of the sums of twenty-nine thousand six hundred and twenty-six pounds and forty thousand three hundred and seventy-four pounds, authorised to be borrowed under this Act, and the debenture stock representing the same, as shall be borrowed or issued for waterworks purposes, or for paying off or redeeming money borrowed for such purposes, shall be deemed to be primarily charged on the Newry water fund and Newry water rate, and the residue of the said sums of twenty-nine thousand six hundred and twenty-six pounds and forty thousand three hundred and seventy-four pounds, and of the debenture stock representing the same, shall be deemed to be primarily charged on the Newry town fund and Newry town rate, and the sum of forty thousand pounds authorised to be borrowed under this Act, and the debenture stock representing the same, shall be deemed to be primarily charged on the Newry gas fund.

(5.) Nothing in this section contained shall prejudicially affect, alter or diminish the rights or remedies of any mortgagee or debenture stockholder under this Act to over or in respect of any rate fund or revenue subject to his charge.

Borrowing powers under the Public Health (Ireland) Act, 1878.

27. In calculating the sum that the Commissioners may borrow under the Public Health (Ireland) Act, 1878, any sums borrowed under the Act of 1878 or under this Act for the purpose of paying off or redeeming the same shall not be reckoned.

Power to borrow on cash credit.

28. The Commissioners in the exercise of their borrowing powers under this Act may, from time to time, take from any bank or banking company credit on a cash account, to be opened and kept by such bank or banking company according to the usage of bankers in Ireland, in the name of the Commissioners, or of an officer to be appointed by them, to the extent of the sum that they are by this Act authorised to borrow, or any part thereof, and may make and grant mortgages as aforesaid as security for the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon.

Power to issue debenture stock.

29. The Commissioners, if they think fit, may borrow the moneys, which they are by this Act authorised to borrow, or any part thereof, by means of a loan or loans to be raised by the issue of debenture stock on the security of the Newry town fund, the Newry town rate, the Newry water fund, the Newry water rate, the Newry

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gas fund, and all other their rates, funds and revenues, or any of them.

As to debenture stock.

30. The Commissioners may create and issue debenture stock under and in accordance with the following provisions (that is to say):—

(1.) The debenture stock shall bear a fixed rate of interest, after a rate not exceeding five pounds per centum per annum, payable half-yearly, and may be created and issued at such times, in such amounts, at such price and subject to such conditions as the Commissioners think fit, and shall be redeemable at par, at such time, not exceeding sixty years, and on such conditions as the Commissioners declare on the first creation thereof;

(2.) The interest on the debenture stock shall be charged indifferently on the rates, funds and revenues of the Commissioners on the security of which the same was borrowed, and shall, subject to all charges subsisting thereon at the time of the first creation of such debenture stock, be the first charge thereon;

(3.) The Commissioners shall, from and after the first issue of debenture stock under the powers of this Act, keep a book, to be called "the Register of Debenture Stock," and in such book shall be fairly and distinctly entered, from time to time, the names and addresses of the holders of debenture stock, together with the amount of debenture stock to which such holders shall respectively be entitled, and the surnames or corporate names of such holders shall be placed in alphabetical order, and every holder, and if such holder be a corporation, the clerk or agent of such corporation, may, at all convenient times, peruse such book gratis, and may require a copy thereof, or of any part thereof, and for each such copy the Commissioners may demand such sum as they may from time to time appoint, not exceeding sixpence for every hundred words so required to be copied;

(4.) The receipt in writing of the corporations and persons in the said register, their successors, executors, administrators or assigns, shall be a sufficient and effectual discharge to the Commissioners for any moneys due to such corporations or persons as and when they shall respectively become payable, and if any debenture stockholder be by reason of infancy or lunacy unable to give an effectual receipt, the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient and effectual discharge to the Commissioners;

(5.) The certificate of any debenture stock may be in the form in the Second Schedule to this Act annexed, or to the like effect, and shall be admitted in all courts as primâ facie evidence of the title of the person named therein to the debenture stock therein specified;

(6.) If the certificate of any debenture stock be worn out or damaged, then, on its being produced to the Commissioners, they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person who was then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then, on proof thereof to the satisfaction of the Commissioners, they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made by the Commissioners in the register of debenture stock, and for every such substituted certificate the Commissioners may demand the sum of two shillings and sixpence;

(7.) Debenture stock shall be personal estate;

(8.) The interest of the debenture stock shall rank next to the interest payable on the mortgages of the Commissioners legally granted before the first creation of such debenture stock, but the holders of the debenture stock shall not, as among themselves, be entitled to any preference or priority.

Transfer of debenture stock.

31. With respect to the transfer of debenture stock, the following provisions shall have effect (that is to say):—

(1.) Debenture stock may be transferred in any amount, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Third Schedule to this Act annexed, or to the like effect, and shall not contain any recital, trust, power or proviso whatsoever;

(2.) The Commissioners shall keep a book, to be called "the Register of Transfers of Debenture Stock," and every such deed of transfer, when duly executed, shall be delivered to and kept by the Commissioners, and they shall enter a memorial of every such deed of transfer in such book, and shall endorse such entry on the deed of transfer (such endorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such endorsement, and with or without such certificate, the Commissioners may demand any sum not exceeding two shillings and sixpence, and, on the request of any transferee, an endorsement shall be made on the certificate of the debenture

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stock so transferred instead of a new certificate being granted, and such endorsement, being signed by the town clerk, shall be considered in every respect the same as a new certificate, and until such deed of transfer shall be so delivered to the Commissioners the Commissioners shall not be affected thereby, nor shall the transferee be entitled to receive any part of the interest on the debenture stock transferred;

(3.) The Commissioners may close the register of transfers for any period not exceeding fourteen days before each half-yearly day for the payment of interest, and any transfer made during the time the register is closed, shall, as between the Commissioners and the transferee, but not otherwise, be deemed made after that time;

(4.) If any debenture stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall (if required by the Commissioners) be authenticated by a declaration in writing as by this Act provided, and until such transmission be so authenticated, any person claiming by virtue thereof shall not be entitled to receive any interest on any part of the debenture stock transmitted;

(5.) Every such declaration shall state the manner in which, and the party to whom, the debenture stock is transmitted, and shall be made and signed by some credible person before a justice, or before a commissioner to administer oaths in the High Court of Justice in Ireland, and such declaration shall be left with the Commissioners, and thereupon they shall enter the name of the person entitled to such transmission in the register of transfers, and for every such entry the Commissioners may demand the sum of two shillings and sixpence;

(6.) If the transmission be by virtue of any testamentary instrument or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom shall, with the declaration, be produced to the Commissioners, who shall, upon such production in either of these cases, make an entry of the declaration in the register of transfers, and for every such entry the Commissioners may demand the sum of two shillings and sixpence.

Commissioners not to be bound to regard trusts.

32. The Commissioners shall not be bound to see to the execution of any trusts, whether express, or implied, or constructive, to which any debenture stock may be subject, and the receipt of the person in whose name such debenture stock stands in the said register shall, from time to time, be a sufficient discharge to the Commis-

sioners for any money payable in respect of such debenture stock, notwithstanding any trusts to which such debenture stock may then be subject, and whether or not the Commissioners have had notice of such trusts, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Interest on debenture stock to be recovered by action.

33. If the interest of any debenture stock, or any part thereof, being payable, be not paid upon demand thereof in writing made to the Commissioners by the holder thereof, such holder may sue for and recover the same, with full costs of suit, in any court of competent jurisdiction.

Application of sinking fund.

34. The Commissioners may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund shall have been established: Provided that they pay in each year into the sinking fund, and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged, a sum equivalent to the interest of the principal moneys so paid off or discharged: Provided also, that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of the principal moneys then outstanding and to be paid off by means of such fund, the Commissioners may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may, during such periods, discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Sinking fund, how to be invested.

35. All sums paid into any sinking fund created by the Commissioners under the powers of this Act shall be, as soon as may be, invested in any manner in which trustees are by law, for the time being, authorised to invest trust moneys, or on any mortgage, bond, debenture, debenture stock, corporation stock or other security authorised by or under any Act of Parliament, passed or to be passed, of any municipal corporation in the United Kingdom, or of any other local authority within section thirty-four of the Local Loans Act, 1875, or of any urban sanitary authority as defined by the Public Health (Ireland) Act, 1878, other than and except the Commissioners.

Appointment of receiver.

36. If at the expiration of six months from the time when any principal money or interest has become due to any mortgagee or debenture stockholder, and after demand in writing the same is not paid, the mortgagee or debenture stockholder entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to the High Court of Justice in Ireland,

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and the Court may appoint some person to collect and receive the whole or a competent part of the rates, funds and revenues liable to the payment of principal or interest in respect of which the application is made until such principal or interest, or both, as the case may be, together with the costs of the application and collection, are fully paid. On such appointment being made all such rates, funds and revenues, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees, or debenture stockholder or stockholders having a charge on such revenues or rates, and shall be rateably apportioned between them.

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

37. The town clerk shall, within thirty-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 thereon, 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 the town clerk shall be liable to a penalty 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 the parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment, or 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, if they think fit, and after hearing the Commissioners, if desiring to be heard, 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 Local Government Board, out of the High Court of Justice in Ireland.

Protection of lenders from inquiry.

38. A lender of money to the Commissioners under this Act shall not be bound to inquire respecting the observance by them of any of the provisions of this Act, or bound to see to the application, or be answerable for any loss, non-application or mis-application of the money lent, or any part thereof.

Saving for existing charges.

39. Nothing in this Act shall prejudicially affect any charge on the rates, funds, revenues or property of the Commissioners subsisting at the passing of this Act, and every mortgagee or other 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 any revenue or property subject to his charge as if this Act had not been passed and all charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage or charge granted under this Act on the same rate, fund or revenue.

Water Supply.

Commissioners may make regulations as to water fittings.

40. The Commissioners may make byelaws prescribing the size, nature, materials, workmanship and strength of the pipes, cocks, ball taps, ferrules, pans, waterclosets, baths, cisterns and other fittings, apparatus and receptacles whatsoever used or to be used for the reception, storage or use of water supplied by the Commissioners, and may forbid any arrangements and the use of the several things before mentioned, or any of them, which may lead to the waste, misuse, undue consumption or contamination of the water of the Commissioners; and the provisions of the Public Health (Ireland) Act, 1878, with respect to byelaws made under that Act, as to penalties and otherwise, shall apply to all byelaws made by the Commissioners under this Act.

Commissioners may license plumbers.

41. (1.) The Commissioners may, if they think fit, license such persons as they consider properly qualified to perform or superintend the performance of any work or operations connected with the laying, repairing, removing or otherwise interfering with any pipes, fittings or apparatus connected with the supply and delivery of water supplied by the Commissioners, and may prohibit all other persons from performing such work or operations except under the superintendence and subject to the control of some duly licensed person.

(2.) Any such license may be for such time as shall be fixed by the Commissioners when granting the same.

(3.) The Commissioners may charge for such licenses such sum as they think fit, not exceeding twenty shillings for each license.

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(4.) The Commissioners may at any time revoke any license granted by them under this section.

(5.) The Commissioners may from time to time make regulations for the guidance and control of the persons licensed by them in respect of any work or operations to be performed by such persons.

Commissioners not bound to supply water unless regulations complied with.

42. The Commissioners shall not be bound to supply or continue to supply water to any person in respect of any premises unless and until he shall duly observe such regulations as are for the time being in force applicable to such premises.

Commissioners may require persons supplied with water to repair pipes.

43. (1.) The Commissioners may, by notice in writing under the hand of the town clerk or other authorised officer, require any person supplied by them with water who shall have permitted any pipe, cock, cistern or other apparatus connected with the water supply to become out of repair, to put the same forthwith into proper repair, and if such person shall not within twenty-four hours after the service of such notice so repair such pipe, cistern or other apparatus as to prevent any waste of water therefrom or any contamination of water thereby, the Commissioners may repair the same, and may recover the expenses of such repair from such person in manner provided by the Public Health (Ireland) Act, 1878, in respect of expenses under that Act directed to be recovered in a summary manner.

(2.) Any notice under this section may be in writing or print, or partly in writing and partly in print, and may be served in manner provided by section two hundred and sixty-seven of the Public Health (Ireland) Act, 1878, in respect of notices under that Act.

Miscellaneous.

Expenses of Act.

44. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto (in this Act referred to as "the costs of this Act"), shall be paid by the Commissioners out of any of their funds, but shall be recouped by and charged to the moneys to be borrowed by the Commissioners under the powers of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Showing Debts owing by Commissioners.

—	Date of Loan.	Amount of Loans.	From whom obtained.	Purpose for which obtained.	How repayable.	Amount of Interest and Instalments yearly.	Amount repaid on 31st December 1888.	Balance of Loans remaining unpaid.
		£ s. d.				£ s. d.	£ s. d.	£ s. d.
Under Act of 1871	1872—March 26	15,000 0 0	United Kingdom Temperance and General Provident Institution, London.	To construct waterworks and markets.	One-sixtieth part in every year.	970 6 0	5,918 17 1	9,081 2 11
	1872—June 2	15,000 0 0	Church of England Assurance Institution, London.	For like purpose	Same terms	970 12 0	4,311 5 6	12,358 14 7
	1879—June 2	1,670 0 1						
	1873—Sept. 1	8,000 0 0	United Kingdom Temperance and General Provident Institution, London.	For like purpose	Same terms	517 13 2	2,582 13 10	5,417 4 9
	1874—May 4	4,000 0 0	Same parties	For like purpose	Same terms	258 16 6	1,231 2 3	2,768 17 9
								29,626 0 0
Under Act of 1878	1878—Dec. 21	32,000 0 0	United Kingdom Temperance and General Provident Institution, London.	To purchase gasworks	One per cent. per annum, with accumulations.	1,794 8 4	3,461 4 4	28,538 15 8

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THE SECOND SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

NEWRY COMMISSIONERS REDEEMABLE DEBENTURE STOCK.

Certificate No. . Amount £ .
Register No.

This is to certify that , of , is registered in the books of the Town Commissioners of Newry as the proprietor of pounds sterling Newry Commissioners Redeemable Debenture Stock, created by virtue of the Newry Improvement Act, 1889, bearing interest at the rate of £ per centum per annum, payable half-yearly on the first day of July and the first day of January in every year, the first payment to be made on the day of next.

Given under the common seal of the Town Commissioners of Newry, this day of .

Entered A.D. 18 .

L. S.

Accountant to the Commissioners.

Note.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange. All certificates will bear the common seal of the Commissioners.

THE THIRD SCHEDULE.

FORM OF TRANSFER OF DEBENTURE STOCK.

I, , of , in consideration of pounds paid to me by of , do hereby transfer to (herein-after called the transferee), the sum of Newry Commissioners Redeemable Debenture Stock, with all interest due thereon, to hold unto the transferee, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this day of , in the year of our Lord one thousand eight hundred and .

L. S.

L. S.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

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