CHAP. clxiii.

An Act to vest in the Mayor, Aldermen, and Burgesses of Waterford the existing Waterworks, and to enable them to construct new Works for supplying the Borough of Waterford, and places adjacent, with Water; and for other purposes. [24th July 1871.]

A.D. 1871.

WHEREAS an Act was passed in the Parliament of Ireland in the twenty-ninth year of the reign of His Majesty George III., chapter 42, intituled "An Act for the better supplying the inhabitants of certain cities and towns with water:" 29 G. 3. c. 42. (I.)

And whereas another Act was passed in the Parliament of Ireland in the thirty-fourth year of the reign of His Majesty George III., chapter 9, entitled "An Act to explain and amend an Act passed in the twenty-ninth year of His present Majesty, intituled An Act for the better supplying the inhabitants of certain cities and towns with water," and these Acts are herein referred to as the first and second recited Acts: 34 G. 3. c. 9. (I.)

And whereas by the first-recited Act the chief magistrate, aldermen and burgesses, sheriffs, bailiff and common council, recorder, and representative of every city or town in the kingdom of Ireland (with certain exceptions), which gave title to the see of a bishop or archbishop, together with the dean and chapter of such bishopric or archbishopric, and also the chief magistrate, aldermen, or burgesses and representative of every town corporate, were appointed commissioners for making watercourses in the city or town respectively represented by them:

And whereas by the second-recited Act it was enacted that the commissioners named in the first-recited Act, or any three of them, the dean, sub-dean, or chief magistrate of any city or town corporate being one, might enter into agreements with occupiers of houses in any city or town corporate, to which pipe water should be brought, and the commissioners were by the second-recited Act further empowered to borrow on the credit of the water rates or rents such

A.D. 1871. sums as they should find necessary for carrying out the purposes of the said Acts, but no money has been borrowed by said commissioners on the security of the existing waterworks, or on the credit of the said water rates or rents:

And whereas the mayor, aldermen, and burgesses of the borough of Waterford, acting as commissioners in execution of the said Acts, have constructed certain works for supplying water to the city of Waterford:

3 & 4 Vict. c. 108. And whereas by the Act 3 and 4 Victoria, cap. 108, intituled "An Act for the regulation of municipal corporations in Ireland," (herein referred to as the third-recited Act,) the borough of Waterford is governed by the mayor, aldermen, and burgesses thereof (herein referred to as the Corporation), acting by their council:

And whereas the municipal boundaries of the borough of Waterford are those defined in Schedule (C.) to the third-recited Act, as

6 & 7 Vict. c. 69. amended by the Act 6 and 7 Victoria, cap. 93, section 29 (herein referred to as the fourth-recited Act):

And whereas the powers conferred on commissioners under the first and second recited Acts, as regards the city of Waterford, have been fulfilled entirely by the Corporation, and the other persons conjoined by the said Acts have never acted as such commissioners, although the works have been carried on in the name of the commissioners, and it is necessary, to avoid uncertainty as to the proprietorship of the said works, to transfer to and vest in the Corporation of Waterford the said existing waterworks, constructed under the first and second recited Acts:

And whereas the supply of water to the borough is very deficient, and it is expedient that the Corporation should be empowered to make new works for the purpose of supplying the borough of Waterford, and places adjacent, in the county of Waterford, with a plentiful supply of wholesome water, and that the existing works used by the Corporation acting as commissioners under the first and second recited Acts should, as well as the new works, be vested in and held by the Corporation for that purpose:

And whereas plans and sections describing the lines, situations, and levels of the works to be authorised by this Act, and of the lands and houses to be taken for the same, with a book of reference to these plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands and other property described on such plans, have been deposited with the clerk of the peace for the county of the city of Waterford, at his office in Waterford, and with the clerk of the peace of the county of Waterford, at his office in Waterford (which are in this Act referred to as the deposited plans, sections, and books of reference):

A.D. 1871.

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 Waterford Water Act, 1871."

Provisions of general Acts herein named incorporated.

2. The following Acts or parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act; (that is to say,)

"The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Acts, 1860 and 1869:"

"The Railways Act, Ireland, 1851," as amended by "The Railways Act, Ireland, 1860," and "The Railways Act, Ireland, 1864:"

"The Waterworks Clauses Acts, 1847 and 1863;" provided always, that the sections 38 to 43, both inclusive, of "The Waterworks Clauses Act, 1847," shall not apply to the borough till after the expiration of one year from the commencement of the supply of water from the new works by this Act authorised:

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 also the provisions of that Act relating to the substitution of other roads for roads interfered with, and to the restoration of roads interfered with: Provided that such temporary occupation shall only be exercised in so far as regards the reservoirs by this Act authorised to be made:

The several clauses and provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following matters; (that is to say,)

With respect to the manner of making rates (except the sections numbered respectively 167, 175, 176, 177, and 179);

With respect to the appeal to be made against any rate;

With respect to the recovery of rates (except the section numbered 199):

The provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, except section 84:

In the said Acts, or either of them, the words "the promoters of the undertaking," "the undertakers," "the Company," and

A.D. 1871.

" the Commissioners," shall mean " the mayor, aldermen, and burgesses of Waterford, or the corporation or council;" the words " the railway" shall mean the works authorised by this Act to be executed; and the word " undertaking" shall mean the works by this Act authorised, and also the existing waterworks vested in the Corporation; and the words " the clerk of the Commissioners" shall mean " the town clerk," and the words " the office of the Commissioners" shall mean " the town clerk's office," unless there be something in the subject or context repugnant to such constructions or any of them.

Interpretation of terms.

3. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) the word " Corporation" shall mean the mayor, aldermen, and burgesses of Waterford, and shall also include the council as authorised to act and acting in execution of this Act; the word " council" shall mean the council of the borough of Waterford; the word " mayor" shall mean the mayor of Waterford for the time being; the words " treasurer" and " town clerk" shall respectively mean the treasurer and town clerk for the time being of the said borough; the words " city of Waterford," " city," " borough of Waterford," and " borough," shall extend to and mean the borough and municipal district of Waterford, as defined by the third and fourth recited Acts; the word " undertaking" shall mean the works authorised to be executed by this Act, and also the existing works vested in the Corporation; the word " owner," used with reference to any rate to be paid under this Act, shall mean the person for the time being entitled to receive the rackrent of any lands or buildings, or who, if such lands or buildings were let to a tenant at rackrent, would be entitled to receive the rackrent from the occupier thereof; and the word " house," used with reference to any rate, shall include any dwelling-house and any premises any part of which shall be used or occupied as a shop, warehouse, counting-house, chambers, or office of any description, or stable or coach-house.

Council to carry Act into execution.

4. The Corporation acting by their council for time being shall and they are hereby authorised and required to carry this Act into execution.

Corporation may appoint committees.

5. The Corporation may in the month of November of each year, or at such other time or times as they think fit, appoint, out of their own body, a committee for carrying into execution the works and purposes authorised by this Act, to be called " the waterworks committee," consisting of ten members, and the Corporation shall fix the quorum of such waterworks committee, and such committee

shall name a chairman and deputy chairman thereof, and the persons appointed members of said committee shall continue to be members thereof for one year, and until their successors shall be appointed: Provided that in the event of any vacancy occurring by the death or resignation of any member of the committee, a member shall be selected by the council to fill such vacancy at the meeting of the council to be held after notice of such vacancy shall have been given to the council by the town clerk: Provided also, that the committee shall from time to time report to the council their proceedings, and the reports and acts of such committee shall be subject to the control of the council.

Committee to keep minutes, &c.

6. The Corporation, and each committee so appointed by the Corporation, shall cause notes, minutes, or copies, as the case shall require, of all appointments made or contracts entered into by them, and of the orders and proceedings of all their meetings, as well ordinary as special, to be duly entered in books to be from time to time provided for the purpose, and every such entry shall be signed by the chairman of the meeting at which the matters in respect of which such entry is made was moved or discussed, or by the chairman of the next following meeting; and such entry, or a copy thereof or extract therefrom, purporting to be signed or certified by the clerk, so signed shall be received as primâ facie evidence in all courts and before all judges, justices, and others, without proof of such respective meetings having been duly convened, or of the persons making or entering such orders of proceedings being members of the Corporation or of such committee, or of the signature of the chairman, all of which last-mentioned matters shall be presumed until the contrary be proved; and all such books shall at all reasonable times be open to the inspection of any member of the Corporation.

Quorum and proceedings of committees.

7. Every such committee may meet from time to time, and may adjourn from place to place, as they think proper for carrying into effect the purposes of their appointment; and at all meetings of any committee the chairman or deputy chairman, or, in their absence, any other member to be appointed by the members present, shall be chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of such committee, and every committee appointed as aforesaid shall report their proceedings at every general meeting of the Corporation.

Appointment of sub-committees.

8. Every committee appointed by the Corporation may from time to time appoint a sub-committee of their number, with such

A.D. 1871.

powers, and under such instructions, directions, and limitations as to them shall appear expedient, and a majority of the members of such sub-committee shall form a quorum thereof.

Ordinary and special meetings.

9. The Corporation may hold meetings at such times as they think fit for the purposes of this Act, and at any time any two members of the Corporation may require the clerk to call a special meeting, giving notice to him at the same time of the object of the meeting, and thereupon the clerk shall call such meeting, giving notice to the members of the Corporation of the purpose thereof; and no business shall be transacted at such special meetings of which notice shall not have been given as aforesaid.

Existing works vested in Corporation.

10. The existing waterworks constructed under the first and second recited Acts, and used for supplying the borough with water, subject to the provisions of this Act, and subject also to any mortgages, charges, debts, and liabilities affecting the same, are hereby transferred to and declared to be absolutely vested in the Corporation, in the same way as if the Corporation had been constituted the sole Commissioners under the first and second recited Acts, and as if these waterworks had been constructed under the powers of this Act, and the provisions of the first and second recited Acts shall cease to apply to those waterworks.

Limits of Act.

11. The limits of this Act shall comprise and include the borough of Waterford in the county of the city of Waterford, within the municipal boundaries thereof, as defined by the Acts third and fourth before recited, and all parishes within such borough, and the following parishes; (that is to say,) Newcastle, Dunhill, Lisnakill, Kilmeadan, Kilburne, Kilbarry, Killoteran, Kilronan, Trinity Without, Kilculliheen, St. Stephen's Without, St. John's Without, Kill St. Nicholas, Ballynakill, Ballygunner, Faithlegg, Crooke, Kill St. Lawrence, Killure, Drumcannon, Kilbride, Kilcaragh, in the county of Waterford, and these limits shall be and are herein termed the limits of this Act, and the said parishes within the limits of this Act, so far as the same are situated beyond the limits of the borough, are herein referred to as the extra-municipal district.

Power to make works and take lands, &c.

12. Subject to the provisions of this Act, the Corporation may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the reservoirs, conduits, and other works shown on the deposited plans, with all approaches, embankments, works, and conveniences connected therewith, and may enter upon, take, and use for the purposes of this Act any of the lands and hereditaments shown on the deposited plans and described in the deposited books of reference, and may

take, use, and appropriate for the purposes of their waterworks the streams and waters intercepted by the works as shown on the deposited plans.

For the protection of the Whitfield estate.

13. Provided always, that the Corporation shall not—

(A.) Enter upon, purchase, take, or use otherwise than by agreement any land or hereditament in any of the townlands of Adamstown and Dooneen, in Kilmeadan parish, and Adamstown, Dooneen, and Whitfield North, in Lisnakill parish, or any of them, except those numbered 1, 3, 3a, 4, and 5, in Adamstown townland, in Kilmeadan parish, and the public highways in the said townlands:

(B.) Take, use, appropriate, or intercept the waters of any springs or streams now supplying the house shown on the said plans called Whitfield House, except the Knockaderry stream and its tributaries.

Correction of errors, omissions, &c.

14. If any omission, misstatement, or erroneous 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 book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction; and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for the county, 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 or book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

Power to take easements, &c.

15. The Corporation may take by agreement, and any person by "The Lands Clauses Consolidation Act, 1845," or otherwise, enabled to sell lands, may grant to them, any easement, interest, right, or privilege, not being an easement, right, or privilege of water, in, over, affecting, or belonging to any lands required for the purposes of this Act, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by "The Lands Clauses Consolidation Act, 1845," to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

A.D. 1871.

Period for compulsory purchase.

16. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of four years from the commencement of this Act.

Period for completion of works.

17. The works by this Act authorised shall be completed within seven years from the passing of this Act, and on the expiration of such period the powers of this Act granted to the Corporation for executing such works shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Corporation from enlarging and extending, or otherwise altering, renewing, or repairing their mains and pipes and works of distribution, or other works, from time to time whenever it shall be necessary or proper for the purposes of this Act.

Works not required may be disposed of.

18. It shall be lawful for the Corporation to discontinue from time to time all or any of their present or future reservoirs, conduit pipes, and works which may not be required, and to sell and dispose thereof, and of such lands, property, and materials as shall be found unnecessary for the supply of water, as by this Act provided; and the Corporation shall apply the proceeds of such sales to the purpose of this Act.

Reservation of water rights, &c. on sale.

19. On any sale by the Corporation of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of various trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Limits of deviation.

20. In the construction of the works by this Act authorised to be made it shall not be lawful for the Corporation, without the consent of the owners of the lands on which such works shall be situated, to make lateral deviations from the lines of such works exceeding the limits of lateral deviations described and shown on the said plans, nor without such consent to make vertical deviations from the levels of the reservoirs delineated on the said sections to any extent exceeding three feet, nor from the levels of any other works to any extent exceeding ten feet.

Additional land for waterworks.

21. The Corporation may purchase by agreement for the purposes by this Act authorised, in addition to the lands delineated on the said plans and referred to in the said books of reference, any quantity of land not exceeding in the whole fifty acres.

Corporation to provide water.

22. The Corporation shall, so soon as conveniently may be done after the completion of the works by this Act authorised, provide

and keep in the pipes now laid down or to be laid down by them a supply of water sufficient for the domestic use of the inhabitants of all houses in the borough of Waterford; and the Corporation may cause pipes at their own expense to be laid down, and water to be brought through every street within the said borough, and shall, at the request of the owner or occupier of any house within the said borough, furnish to such person within such house, by means of branch pipes and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such person, a sufficient supply of water for domestic purposes.

Limits of pressure within borough.

23. The Corporation shall not be bound at any time to supply water at any elevation above that at which water can be supplied by gravitation, so far as regards all houses within the borough situated on the south side of the river Suir, from the distributing reservoir to be situated in the townland of Ticor and in the parish of Trinity Without; and so far as regards all houses within the borough situated on the north side of the river Suir, from the distributing reservoir to be situated in the townland of Rockshire and in the parish of Kilculiheen.

Limits of pressure in extra-municipal district.

24. The water supplied by the Corporation to the houses within the extra-municipal district need not be laid on at a pressure greater than can be afforded from the works of the Corporation.

Water rates to continue until rates are made under this Act.

25. The rents hitherto leviable or receivable under the said first and second recited Acts, or any of them, by agreement or otherwise, shall continue to be paid as heretofore until the rates authorised by this Act shall become payable, anything herein contained to the contrary notwithstanding, but thereafter the said agreements shall cease.

Corporation to estimate annual sums required.

26. The Corporation shall and they are hereby authorised and required from time to time, before proceeding to make any water rate under this Act, to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying water as required by this Act, including the payment of the interest of any money borrowed, as well as any sum of money which shall be set apart as and for a sinking fund, as by this Act provided.

Domestic water rate to be levied.

27. It shall be lawful for the Corporation, and they are hereby authorised and required, to assess and levy a rate, to be called "the domestic water rate," not exceeding one shilling in the pound, upon and from the occupiers of all houses within the borough of Waterford, according to the annual value of such houses, as the same now are or shall from time to time hereafter be valued or rated in pursuance of an Act passed in the fifteenth and sixteenth years of

A.D. 1871.

Her Majesty, chapter sixty-three, intituled "An Act to amend the laws relating to the valuation of rateable property in Ireland," or any Act or Acts amending the same, and such rate shall be levied and collected as provided by this Act: Provided no domestic water rate shall be levied on the Bridge Ferry, or tolls, of the Commissioners for building a bridge over the river Suir at Waterford.

Public water rate to be levied.

28. For the purpose of providing a supply of water for better security against fire, for flushing sewers, for drinking fountains, and for sanitary uses generally within the borough of Waterford, it shall also be lawful for the Corporation to levy upon and from the owners of all rateable property within the borough of Waterford a rate, to be called "the public water rate," on the annual value of such property, as the same now is or shall from time to time hereafter be valued and rated, under the provisions of the Act fifteenth and sixteenth Victoria, chapter sixty-three, or any Act or Acts amending the same, not exceeding in any one year threepence in the pound of the valuation of all such property so situate within the said borough, such rate to be paid and borne in the same proportions and in like manner as poors rate is paid and borne by landlord and tenant in Ireland.

Defining water for domestic purposes.

29. A supply of water for domestic purposes shall include a supply of water for waterclosets in private houses, but shall not include a supply of water for cattle or for horses, or for washing carriages, where such horses or carriages are kept for hire, or by common carriers, or are the property of a dealer, or for steam engines or for mills, or for the supply of shipping, or for railway purposes, or for working any machine or apparatus, or any trade, manufacture, or business whatsoever, or for watering gardens, or washing horses or carriages by means of any tap, tube, pipe, hose, or other such like apparatus, or for fountains, or for flushing sewers or drains, or for public baths, or for any ornamental purpose whatsoever: Provided that in the case of horses kept for hire water shall be supplied by contract at a rate not exceeding four shillings per annum for each horse, and in such case the domestic water rate shall not be leviable on the annual value of the stables, or parts of stables, in which such horses are kept.

As to supply of water in extra-municipal district.

30. It shall be lawful for the Corporation, but only if it shall appear desirable for them to do so, at the request of the owner or occupier of any house or premises in any street within the extra-municipal district in which a pipe belonging to the Corporation may be laid, to contract with such owner or occupier for furnishing, on such terms and conditions and on payment of such rates as shall from time to time be fixed by the Corporation, a sufficient supply of

water for domestic use, and the rate or rent so to be charged shall be collected by and paid in manner provided by this Act.

Water rates to be made at such periods as Corporation may think fit.

31. The water rates authorised by this Act shall be made, levied, and collected yearly or half-yearly or quarterly, as the Corporation may direct, in terms of this Act and the provisions of the Towns Improvement Clauses Act, 1847, incorporated herewith.

Power to rate owner instead of occupier in cases described.

32. The owner instead of the occupier of property may from time to time, at the option of the Corporation, be rated in the following cases; namely,

(1.) Where the rateable value of the property rated is under the sum of eight pounds:

(2.) Where buildings are let in separate apartments:

(3.) Where the rents become payable or are collected at any shorter period than quarterly.

Where several houses supplied by one pipe, each owner or occupier to pay.

33. When several houses or parts of houses, in the occupation of several persons, shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe: Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Water for other than domestic purposes.

34. The Corporation may supply any person 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 Corporation are of opinion that the same would interfere with the supply of water for domestic purposes under this Act; and every such agreement shall be by virtue of this Act determinable by the Corporation on one month's notice in writing.

Council may take deposit for contract rate.

35. In the case of all contracts for the supply of water by the Corporation for other than domestic purposes, the Corporation may demand and receive, by its officers and servants, payment in advance by way of deposit: Provided always, that the Corporation shall deduct the amount of such deposit from the rate or rent to be collected from the person who had made such deposit as aforesaid.

Corporation may contract for supply of water, to be called "the

36. The several rates or rents or sums charged to or upon or payable by any person or board or authority with whom the Corporation may contract for the supply of water for other than the

A.D. 1871.

purposes of the domestic rate and public water rate, as herein-before mentioned, shall constitute a rate to be called the "contract water rate," but no such contract need be under the common seal of the Corporation.

contract water rate," &c.

No contract entered into shall disqualify persons from acting as mayor, &c.

37. No person entering into a contract with the Corporation for a supply of water shall thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such mayor, alderman, councillor, officer, or servant.

Corporation may supply local board.

38. The Corporation and any local board of health or other public authority may contract and agree for the supply by the Corporation of water, in bulk or otherwise, for public, sanitary, shipping, or private purposes, within or in the vicinity of the extra-municipal district in the county of Waterford, but not so as to interfere with the supply of water by the Corporation within the borough for domestic or public purposes; and any such local board and public authority, being duly authorised thereto, may apply such of their rates within the districts under their respective control as may be required for the purpose of enabling them respectively to carry into execution any such contract or agreement.

Power to supply water by measure.

39. The Corporation may require any person supplied with water for other than domestic purposes, or any local board or other authority, to take and pay for his or their supply by measure.

Meters by whom furnished.

40. In all cases where water shall be supplied for other than domestic purposes by meter, the meters and all necessary fittings shall be provided and fixed by the Corporation at the expense of the party requiring such supply, or (at the option of such party) be provided and fixed by him, the same being previously and from time to time tested and approved by the Corporation, and fitted and adjusted to their satisfaction.

Power to let meters.

41. The Corporation may let for hire any meter for ascertaining the quantity of water consumed or supplied, and any pipes or fittings, for such remuneration in money as shall be agreed upon between the Corporation and any person to whom the same shall be so let, and such remuneration (which shall include the cost of keeping the said meter in repair) shall be recoverable in the same manner as the rents or sums due to the Corporation for water.

Meters to be repaired by the Corporation.

42. No meter, whether supplied by the Corporation or the consumer, shall be altered or repaired except under the direction or with the consent of the Corporation, or the surveyor or other officer of the Corporation, and the Corporation shall be entitled to keep all

meters which may be provided by the consumer in repair at the cost of the consumer, at such moderate rate of remuneration as may be agreed upon between the Corporation and the consumer, or in case of dispute as may be fixed by the justices.

Penalty for injury to and fraudulent use of meters.

43. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter, pipes, or fittings belonging to the Corporation, or who shall fraudulently alter the index to any meter, or who shall knowingly and wilfully prevent any meter from duly and properly registering the quantity of water supplied, shall for every such offence forfeit to the Corporation a sum not exceeding five pounds, and the Corporation may, in addition thereto, recover the amount of any damage by them sustained.

Provision as to water-closets and baths.

44. The Corporation 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 Corporation, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Corporation, or into any pipes connected or communicating therewith, nor any private bath which is so made as to hold when filled more than fifty gallons of water.

Notice of discontinuance.

45. Notice to the Corporation 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 Corporation.

Corporation may draw off water from the reservoirs for the purposes of repairs and cleansing.

46. It shall be lawful for the Corporation from time to time to cause the water to be drawn or let off from any of the reservoirs, for the purpose of repairing such reservoirs, or any of the dams, banks, tanks, channels, water gates, pipes, or other works appertaining thereto, or for the purpose of cleansing out such reservoirs or any part thereof; but in such case the Corporation shall use all convenient speed in making such repairs or in executing such cleansing, and the Corporation shall not be liable for any loss or damage sustained by any person by reason of such proceedings or any of them.

Public fountains.

47. Within one year after the completion of the waterworks by this Act authorised, the Corporation may, if they think fit, erect for the free use of the inhabitants of Waterford such and so many public fountains, and watering troughs for the use of cattle, in such streets or public places within the borough as the Corporation shall think fit.

A.D. 1871.

Regulations for preventing waste of water.

48. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; namely,

1. The Corporation may from time to time make such regulations as they think expedient for the objects aforesaid, to be observed by persons supplied with water:
2. By any such regulations the Corporation may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for carrying, delivering, and receiving water:
3. The Corporation shall not be bound, under any agreement or otherwise, to supply or continue to supply water to any person unless such regulations as are for the time being in force are duly observed by him:
4. In case of the failure of any such person to observe such regulations as are for the time being in force, the Corporation may, if they think fit, after forty-eight hours notice in writing, enter, and by or under the direction of their duly authorised officer repair, replace, or alter any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them; and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made.

Power to cut off supply on failure in payment of water rent, &c.

49. In the following cases; namely,

(1.) If any person supplied with water by the Corporation fails to pay any water rate or rent due from him to the Corporation;

(2.) If any such person wrongfully does, or causes or permits to be done, anything in contravention of the provisions of this Act relating to the supply of water, or wrongfully fails to do anything which he ought to do for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Corporation;

(3.) If any person acting under the authority of the Corporation is refused admittance at all reasonable hours into any building or land supplied with water by the Cor-

poration, and prevented from making any inspection or examination therein;

the following provisions shall take effect; that is to say,

(A.) The Corporation may, notwithstanding any existing contract with the person supplied with water, and without prejudice to any other remedy or proceeding against him, cut off any service or other pipe used by him for the supply of water, or turn off or otherwise stop the supply to him of water, and may cease to supply him with water until he has paid the water rate or rent due from him, together with all expenses incurred by the Corporation in or about the cutting off of any pipe, or the turning off or otherwise stopping of any such supply, or (as the case may be) so long as his wrongful act or omission continues or is not remedied:

(B.) Any officers and workmen of the Corporation, after giving forty-eight hours previous notice to the occupier, or if the building is unoccupied, to the owner or his agent, may enter into the building or lands supplied, between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, and remove and carry away any meter, instruments, pipes, apparatus, or other works the property of the Corporations, making compensation to the owner for any damage sustained by him.

Incoming tenant not to be liable for arrears of water rate.

50. In case any consumer of the water of the Corporation shall leave the premises where such water has been supplied to him without paying the Corporation the water rate or meter rent due from him, the Corporation shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several names in one warrant.

51. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Corporation for any of the purposes of this Act and the Acts incorporated herewith, and may be stated either in the body of the warrant or notice or in a schedule thereto.

Costs of distress.

52. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of such rate or sum shall be paid by the person liable to pay such rate or sum, and such costs shall be ascertained by the justice, and shall be

A.D. 1871.

included in the warrant of distress for the recovery of such rate or sum.

Justice not disqualified.

53. No justice shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate, rent, or charge under this Act.

Power to Corporation to borrow money on mortgage.

54. For the purposes of this Act the Corporation may from time to time borrow on mortgage such sum or sums of money not exceeding in the whole the sum of fifty thousand pounds on the security of the rates, rents, and charges leviable or receivable under the authority of this Act, and on the security of the borough fund and of the corporate estates of the borough, as the Corporation may from time to time think requisite, and may grant mortgages charged on such rates, corporate estates, borough fund, or any of them; and the Corporation may from time to time extend their distributory and other works and pipes within the extra-municipal district when and as occasion may require, and they shall deem it expedient so to do, and for such purposes may take up at interest any further sums of money; but any sums of money which may from time to time be required for the purpose of making and extending the distributory and other works and pipes for the supply of the extra-municipal district or any part thereof shall be raised only on the security of the income arising or to arise from the supply of water in the said extra-municipal district: Provided also, that the money to be borrowed for the extension of the distributory and other works and pipes within the extra-municipal district shall not exceed in the whole ten thousand pounds.

As to re-borrowing.

55. If after having borrowed any of the moneys they are by this Act authorised to borrow or continue at interest, the Corporation pay off any part thereof, except by means of the sinking fund herein-after provided, it shall be lawful for them again to borrow in the manner aforesaid the part thereof so paid off, at the like or any other rate of interest, and so on from time to time.

Mortgages may be accompanied with interest warrants.

56. It shall be lawful for the Corporation to issue along with any mortgage granted by them, and during the period of any postponement of the term of payment thereof, interest warrants, or coupons, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist.

As to mortgages granted by the Corporation on

57. The moneys at present borrowed by the Corporation on the security of the borough fund and on the security of the corporate estates of the borough, or either of them, or any renewals thereof, or any moneys to the amount at present owing by the borough,

whether renewals of existing mortgages, judgments, or bonds, or not, shall have priority, so far as regards the said borough fund or corporate estates, over any mortgages to be granted by virtue of this Act on the security of the said borough fund and corporate estates, or either of them.

Security of borough fund, &c.

58. In case the Corporation shall refuse or neglect to pay the interest due on any mortgages to be made under the authority of this Act, any mortgagees may, in addition to any other remedies, enforce payment of any interest due and for six months in arrear on their respective mortgages by the appointment of a receiver, and the amount to authorise the application for the appointment of a receiver shall be not less than one fortieth of the whole amount for the time being borrowed on mortgage under this Act; and it shall be lawful for such receiver to apply to the judges of the Court of Queen's Bench in Ireland for a writ of mandamus to compel the Corporation to make and cause to be levied such additional domestic water rate or rates of such amount as shall be sufficient to make good any deficiency in the funds applicable to the payment of such interest, and so from time to time; and the said judges are hereby authorised, on cause duly shown, to order and direct such writ of mandamus to issue; and if and when the same shall be made peremptory, the Corporation shall and they are hereby authorised and required to make or cause to be levied a rate or rates of such amount, or as near thereto as may be, as shall be sufficient to make good any and every such deficiency of interest, and the costs and expenses attending the recovery of the same.

Arrears may be enforced by appointment of a receiver.

59. All moneys raised by mortgage under the provisions of this Act shall be applied by the Corporation in payment of the costs, charges, and expenses incurred by the Corporation in reference to the preparing, applying for, and passing of this Act, or otherwise in relation thereto, and towards the acquisition of land and the construction of the waterworks, and towards any additions to or extensions or enlargements of the waterworks belonging to the Corporation; and such moneys to be raised by mortgage shall include the sum of four thousand pounds paid by the Corporation towards the construction of the existing waterworks of the Commissioners under the first and second recited Acts, and hereby vested in the Corporation.

Application of moneys under this Act.

60. All moneys raised under the provisions of this Act, whether by mortgage or by rates, charges, or otherwise, shall be carried to an account separate from the other accounts of the borough, and neither the said moneys nor the undertaking shall be considered as belonging to or forming part of the borough fund or corporate estates.

Moneys raised under Act to be kept separate.

A.D. 1871.

Application of rates.

61. The rates and charges levied or received under the authority of this Act shall be applied in manner following; (that is to say,)

1. In payment of the expenses of and incidental to the raising, levying, and recovering the rates and charges, and the borrowing of moneys under this Act, and of management and maintenance of the undertaking, including the annual costs, charges, and expenses of providing and supplying water, and repayment of any ground rent or charges for any lands, streams, or property required for the purposes of the undertaking:
2. In payment of the interest of money borrowed by the Corporation under the authority of this Act:
3. In payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes from time to time, as the Corporation shall think reasonable, and of any other necessary annual expenditure:
4. In payment of the sum required to be annually set apart and appropriated for the purpose of the sinking fund as herein provided.

Sinking fund.

62. From and after the first day of January one thousand eight hundred and eighty, the Corporation shall annually set aside, from and out of the income arising under this Act, a sum equal to one pound per centum per annum on the amount from time to time raised and owing by the Corporation for the purposes of this Act, and the sum so from time to time set aside shall be invested by the Corporation in home or British government securities, or upon mortgage of real securities in Ireland, and shall be applicable to the redemption of any mortgages granted under this Act.

Notices by the Corporation.

63. Every summons, demand, or notice, or other such document requiring authentication by the Corporation may be signed by any one member of the Corporation, or by the clerk or treasurer, and may be in writing or print, or partly in both.

Notice to Corporation.

64. Any summons, notice, or writ to be served on the Corporation in reference to this Act shall be served by being given personally to the clerk, or being left at his office.

Protection of lenders from injury.

65. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

Works below high-water mark not to be

66. It shall not be lawful for the Corporation to construct below high-water mark at ordinary spring tides any work hereby or otherwise authorised to be made, without the previous consent of the

Board of Trade, to be signified in writing under the hand of the Secretary of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the said Board of Trade may approve, such approval being signified as last aforesaid; and where any such work shall have been constructed, it shall not be lawful for the Corporation or any other person or persons at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval; and if any such work shall be commenced or completed, or be altered or extended, contrary to the provisions of this Act, it shall be lawful for the said Board of Trade to abate, alter, and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Corporation, and the amount thereof shall be a debt due from the Corporation to the Crown, and be recoverable accordingly, with costs of suit.

executed without consent of the Board of Trade.

67. If at any time or times it shall be deemed expedient by the Board of Trade to order a local survey and examination of any works of the Corporation in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, the Corporation shall defray the costs of every such local survey and examination, and the amount thereof shall be a debt due to Her Majesty from the Corporation, and if not paid upon demand may be recovered as a debt due to the Crown, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Corporation.

Board of Trade may order local survey at expense of Corporation.

68. If any work to be constructed by the Corporation in, under, or across any tidal or navigable water or river, or of any portion of any such work which affects any such water or river, or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade to abate and remove the same or such part or parts thereof as they may at any time or times deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Corporation, and the amount thereof shall be a debt due from the Corporation to the Crown, and be recoverable accordingly, with costs of suit.

Works affecting tidal waters abandoned may be removed by Board of Trade at expense of Corporation.

69. The costs, charges, and expenses of and incident and preparatory to the applying for and passing of this Act shall be paid out of the first moneys coming to the hands of the Corporation under the provisions of this Act.

Expenses of Act.

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