CAP. LXXXVIII.

An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in *Ireland*. [28th *July* 1863.]

'WHEREAS it is expedient that the Proprietors of Lands in *Ireland* should be 'enabled to construct and maintain Works for Drainage and other Improvement of 'their Lands:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title.

1. This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Act (*Ireland*), 1863."

To apply to Ireland only.

2. This Act shall extend to *Ireland* only.

Definition of Terms.

3. "Watercourse" shall include all Rivers, Streams, Drains, Sewers, and Passages through which Water flows:

"Person" shall include any Body of Persons, corporate or unincorporate, unless there is something in the Context inconsistent therewith:

"Commissioners" shall mean Her Majesty's Commissioners of Public Works in *Ireland* for the Time being, or any One or more of them:

"Owner," as used throughout this Act, shall have the same Meaning as it has in "The Lands Clauses Consolidation Act, 1845:"

In the Construction of this Act the Word "District" shall mean and include the Lands mentioned and described or referred to in the Maps or Plans and Schedules as approved of by the Commissioners of Public Works:

"Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, and shall also extend to Messuages, Tenements, Mills, Weirs, Easements, Fisheries, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, or any of them:

"Petitioners" shall mean those who shall petition for the Purpose of putting this Act into execution.

ELECTIVE DRAINAGE DISTRICTS.

Constitution of elective Drainage Districts.

4. Any Person or Persons interested in any Land liable to be flooded or injured by Water, or the Drainage whereof may be capable of being improved, may, with the Consent of the Commissioners of Public Works, as herein-after mentioned, constitute such Land, or other Area of Land, a separate Drainage District.

Commissioners to be a Body Corporate.

5. The "Commissioners" for the Purpose of this Act shall be a Body Corporate and possess a Common Seal.

Mode of Constituting elective Drainage District.

6. The following Proceedings shall be taken for the Purpose of obtaining the Sanction and Order of the Commissioners of Public Works:

(1.) A Petition shall be presented to them, stating the proposed Boundaries of the District, by reference to a Map, or in such other Manner as they shall think expedient, and also stating the Exigencies which render the Formation of such Drainage District necessary: It shall be signed by the Petitioners, and shall be accompanied by proper Schedules, Maps, Plans, and Sections showing the Drainage Works proposed to be executed within such District, including therein all Works necessary for any Outfall, and showing the Land to be drained or improved by such Drainage, and showing in One or more of such Schedules the reputed Proprietors and Occupiers thereof, and the Lands or other Property required to be taken for or likely to be injured by the proposed Works or the making of any Outfall, and the reputed Proprietors and Occupiers thereof, and showing, so far as may be possible, the Line, Course, and Situation of the Streams, Watercourses, Drains,

Drains, Rivers, and Lakes intended to be cleared, scoured, or embanked, and the requisite Variations, Diversions, Abridgments, or Enlargements of the same, and the Direction and Extent of any new Drains, Watercourses, or Works necessary to be made, and the Land in and through which the same are to be made; and such Petition shall also be accompanied by an Estimate of the Expense of the proposed Works, including in such Estimate the probable Amount of Money payable as Compensation in respect of any Injury likely to be occasioned by such Works, or for the Purchase of any Land, Houses, Fisheries, Weirs, Mills, or other Property required to be taken or purchased for the Purpose of such Works, and other miscellaneous Expenses likely to be incurred; and such Schedules shall also set forth the then actual Value of the Land to be drained or improved by Drainage by the proposed Works, so far as the Petitioners shall be able to ascertain the same, and the probable Increase in such Value by the proposed Works; and such actual Value and estimated Increase shall be stated in the said Schedules, and also the Proportions in which such Lands should contribute towards the Payment of the Costs of the proposed Works, specifying such Proportions in the Ratio of the estimated Increase in the Value of such Lands; and the said Petitioners shall cause to be made Copies of the said Schedules, Maps, Plans, Sections, and Estimate, and shall cause such Copies to be deposited in such convenient Place or Places as the said Petitioners shall think proper, within or in the immediate Vicinity of the District in which such Land or the River or Part of a River shall be situate, there to remain open for public Inspection at all reasonable Times for Three successive Weeks; and all Persons shall be at liberty to inspect or make Copies of or Extracts from the said Schedules, Maps, Plans, Sections, and Estimate, and Copies thereof or Extracts therefrom shall be made for any Person who shall require the same, on Payment of the Costs of making such Copies or Extracts:

And the said Petitioners shall cause a Notice, stating the Place or Places in which Copies of the said Schedules, Maps, Plans, Sections, and Estimate have been deposited as aforesaid, to be lodged with the Clerks of the Unions respectively, and to be published in some Newspaper usually circulated in the District in which the Land or River, or Part of a River, proposed to be drained or improved, shall be situated, or in the immediate Vicinity thereof, and also to be served on the Proprietor by Delivery of the same personally, or, if such Proprietor is absent from *Ireland*, to his Agent, or by leaving the same at the usual or last known Place of Abode of such Proprietor as aforesaid, or by forwarding the same by Post in a pre-paid Letter addressed to the usual or last known Place of Abode of such Proprietor; and in all Cases where it shall be proposed to take or remove any Mill or Factory, or to lower, raise, or modify any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory, a Copy of such Notice shall be served on the Owner, Lessee, or Occupier, or Person in charge of such Mill or Factory, and be posted on the Door or Wall thereof; and by such Notice all Parties interested shall be required, on or before a Day to be therein named, not sooner than Two Months from such Publication and Posting or Service as aforesaid of such Notice, to transmit to the said Petitioners their Objections, if any, to the said Schedules, Maps, Plans, Sections, and Estimate, and all other Objections which such Parties shall think fit to make with respect to anything proposed to be done under the Provisions of this Act; and the Petitioners shall by the same Notice specify their Intention of having an Inspector sent to the District, before whom all Persons interested in the proposed Works, or having any Objection thereto, shall be required to appear, at a Time and Place to be fixed by such Notice:

(2.) After the Expiration of the Period mentioned in such Notice for sending in Objections, the said Commissioners shall send an Inspector to the District for the Purpose of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto; and they shall deliver to such Inspector the Schedules, Maps, Plans, Sections, and Estimate which shall

have been deposited with them under the Provisions herein-before contained: The Person so sent as Inspector by the Commissioners shall in no Case be the same Person who may have previously reported for the Petitioners, nor shall the Person so sent by the Commissioners be afterwards in any way employed in the Execution of any of the Works in the District:

(3.) The Inspector shall proceed to the District, and make all necessary Inquiries with respect to the Propriety of constituting such District, and also with respect to the Area of Land to be comprised therein: And such Inspector shall, at the Time and Place named in such Notice as aforesaid, or at such other Time and Place as the Petitioners may by any further Notice appoint, attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting as he may find necessary, and shall inquire into the Correctness of the Schedules containing the Names of such Proprietors and Occupiers as aforesaid, and shall hear all such Objections as shall have been or shall then be made by any Person or Persons interested in the said Lands or River, or any Person on his or their Behalf, as to any Omission or Misdescription in such Schedules, or any Name improperly inserted therein, and shall hear all such other Objections as shall have been or shall be then and there made by such Person or Persons to the Schedules, Maps, Plans, Sections, and Estimate which shall have been made under the Provisions herein-before contained; and the said Inspector shall also hear and inquire, on Oath (which he is hereby authorized to administer) or otherwise, into all such Objections by any of the Persons aforesaid to the said proposed Works as shall have been or shall then and there be made, and also all Objections to the stated Value of the Land, or to the stated probable Increase in such Value, as the same shall have been respectively set forth in the said Schedules, and also into all such Objections as shall have been made, or shall then and there be made, by or on behalf of the Owner, Lessee, or Occupier, or other Person interested in any Mill or Factory likely to be affected by anything proposed to be done in such District under any of the Provisions of this Act, and after having considered all such Objections as aforesaid he shall cause such Alterations (if any) as he may deem expedient to be made in the said Schedules, Maps, Plans, Sections, and Estimate, and shall sign the same; and such Schedules, Maps, Plans, Sections, and Estimate so signed by the said Inspector shall be preserved by the said Commissioners in their Office in *Dublin*, and a Copy thereof shall be deposited by the Petitioners with the Clerk of the Peace of each County wherein such Works are proposed to be executed, and shall be open to public Inspection at all reasonable Times on Payment of a Fee of One Shilling:

Powers of Inspector.

(4.) Any Inspector sent by the Commissioners in pursuance of this Act may, by himself and his Servants, enter upon any Lands in order to obtain Information upon any of the Matters aforesaid, and may do all such Things as to him shall seem expedient and necessary for the Purposes of his Inspection and Report, making reasonable Compensation for any Injury which may be done by him or his Servants, and he may also, by Summons under his Hand, require to appear before him, at some convenient Place within or near the proposed District, any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Officer of or acting under any Corporation or Guardians of the Poor and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry; and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever refuses to permit any such Inspector or his Servants to do any of the Matters aforesaid, or wilfully disturbs or interferes with him or them in the course of their Inspection, or wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies

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as aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner before Two Justices of the Peace sitting at Petty Sessions in any District within the Jurisdiction of which any of the Lands in the proposed Drainage District are situate; but no Person shall be required to attend before the Inspector in obedience to any Summons unless the reasonable Charges of his Attendance have been paid or tendered to him:

(5.) The Inspector shall report the Result of his Inquiries to the Commissioners, who shall transmit a certified Copy thereof to the Petitioners; and the Petitioners shall lodge Copies of such Report with the Clerk or Clerks of the Unions respectively, and shall forthwith cause a Notice, stating that said Report has been so lodged, to be published in some Newspaper usually circulated in the proposed District; and Objections in Writing to said Report, or any Part thereof, may, within One Month from the lodging of said Report, be served on or transmitted by Post to the said Commissioners at their Office in *Dublin* by or on the Part of any Proprietor in the proposed District; and the said Commissioners, after having considered such Objections (if any), may, if satisfied with the Propriety of constituting the District, and that the Proprietors of Two Third Parts in Value of such Land in the proposed District are in favour thereof, and have subsequently to the Report of such Inspector assented thereto in Writing, make a Provisional Order under their Seal declaring the Area, in such Provisional Order mentioned or referred to, to be a Drainage District; provided that no such Provisional Order shall be made authorizing a Drainage Board to remove or injuriously interfere with any Millrace, Milldam, Weir, or other like Obstruction, whereby the Level of Water is raised for Milling or other Purpose of Profit, unless upon the Report of their Inspector they shall be satisfied that any Injury that may be caused thereby is of a Nature to admit of being fully compensated for by Money:

(6.) Notice of the Provisional Order shall be published by the Petitioners in the *Dublin Gazette* and in some Newspaper circulating in the District to which it relates, and Copies thereof shall be served in such Manner and upon such Persons as the Commissioners may require:

(7.) Upon the Receipt of the Report of the Inspector the Commissioners may, by Provisional Order under their Seal, constitute the Area mentioned in the Petition or Report, with such Alterations of Boundaries, if any, as they think fit, a separate Drainage District; and it shall be the Duty of the Commissioners, as soon as conveniently may be, to take all proper Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and take effect accordingly, but previous to such Confirmation it shall not be of any Validity whatever:

(8.) No Petition for constituting a District under this Act shall be entertained until the Petitioners have given such Security for Costs by Deposit of such Sum of Money as the said Commissioners shall require; and in the event of a Drainage District not being constituted in pursuance of such Petition, the Petitioners shall pay all Costs, Charges, and Expenses, including the Expense incurred by reason of the presenting of the Petition and of the Appointment of such Inspector; but in the event of the Drainage District being constituted, such Costs, Charges, and Expenses shall be deemed to be Expenses incidental to the Execution of the Works, and shall be defrayed accordingly out of the Monies to be raised by virtue of this Act; and such Order shall, by Reference to Maps or otherwise, as the Commissioners may think proper, state the Lands proposed to be purchased for the proposed Works, subject to such Alterations and Deviations therefrom as the Commissioners may thereafter sanction; and such Order shall also limit the Time within which the Works in any such District shall be completed, and state the several Matters and Things herein-after mentioned, and the Commissioners may also state in such Order such other Matters and Things as they may think proper, according to the Circumstances of each particular Case.

Evidence of Constitution of District.

7. The making of such Order shall be conclusive Evidence that all the Requirements of this Act in respect of Proceedings required to be taken previously to the making of such Order have been complied with.

Power to Commissioners to extend Time for Completion of the Works.

8. It may be lawful for the said Commissioners, upon sufficient Ground being laid before them, to extend the Time by any such Order limited for the Completion of any such proposed Works to such further Period, not exceeding Three Years, as may by the said Commissioners be deemed right, also to sanction within such extended Time the Purchase of such additional Land as may from Time to Time appear necessary for the Execution of the proposed Works.

Definition of "Proprietor."

9. The Definition of the Term Proprietor contained in the Act of Parliament of the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, shall apply to this Act, and the Twenty-third, Twenty-fifth, Twenty-sixth, and Twenty-eighth Sections of the said last-mentioned Act shall be deemed to be incorporated in this Act.

Provision as to Proprietorship by Corporations and Companies.

10. Where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is Proprietor of any Land, such Corporation, Company, Body of Proprietors or Undertakers respectively shall be deemed to be One Proprietor for the Purpose of giving an Assent or Dissent under this Act, and may express their Assent or Dissent in Writing under their Common Seal in the Case of a Corporation, and in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to dissent individually as a Proprietor in respect of such Land.

Provision in case of no Proprietor.

11. When any Portion of Land comprised within the Boundaries referred to in any such Petition as is herein-before mentioned appears to have no Proprietor within the Meaning of this Act, or the Proprietor cannot be found, the Land so circumstanced shall be altogether excluded in any Computation that may be made of the Proportion borne by the dissenting Proprietors of any Area of Land, as herein-before provided, to the aggregate Value of such Land.

Constitution of Drainage Boards.

12. After the Constitution of a District the Execution of the Works necessary in the said District shall be vested in a Board, herein-after called a Drainage Board, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having Capacity to hold Lands for all the Purposes of their Constitution.

Regulations as to Drainage Boards.

13. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Regulations shall be made with respect to Drainage Boards:

(1.) The Members of the First Drainage Board shall be named by the Commissioners in the Order constituting the Drainage District, and such Order shall fix the Number of which the Board is to consist, the Mode of summoning the First Meeting of the Board, the Qualification of subsequent Members of the Board, and the Time at which the first and subsequently appointed Members of the Board are to vacate their Offices, such Time not being later than the End of the Month of *September* in the Year following that in which such Order is made:

(2.) The Members of every Board succeeding the First Board shall vacate their Offices on the First *Thursday* in *September* in each succeeding Year, or on such other Day as may be prescribed by the Board:

(3.) The Offices of vacating Members shall be filled up by an equal Number of qualified Persons, to be elected as herein-after mentioned:

(4.) Every Member of a Drainage Board going out of Office shall be re-eligible; and if at any Time when an Election of Members ought to take place, the Places of any retiring Members are not filled up, the retiring Members whose Places are not filled up shall continue in Office until the succeeding Year:

(5.) Any casual Vacancy occurring in the Board may be filled up by the Board; but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) During

(6.) During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred:

(7.) Any Person who acts as Member of a Drainage Board without being qualified as required by the Order of the Commissioners shall incur a Penalty not exceeding Fifty Pounds; and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken:

(8.) All Acts done by any Meeting of a Drainage Board, or of any Committee of a Drainage Board, or by any Person acting as a Member of a Drainage Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Board or Person acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Rules to be observed with respect to Electors of Drainage Boards.

14. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Rules shall be observed with respect to the Electors of Drainage Boards:

(1.) The Electors for Members of a Drainage Board for any District shall be the Proprietors of Lands within such District:

(2.) Each Elector shall vote according to the following Scale; that is to say,

If his Property within such District shall be of an annual Value of less than Fifty Pounds, he shall have One Vote:

If such annual Value amount to Fifty Pounds and be less than One hundred Pounds, he shall have Two Votes:

If it amount to One hundred Pounds and be less than One hundred and fifty Pounds, he shall have Three Votes:

If it amount to One hundred and fifty Pounds and be less than Two hundred Pounds, he shall have Four Votes:

If it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds, he shall have Five Votes:

If it amount to Two hundred and fifty Pounds and be less than Five hundred Pounds, he shall have Six Votes:

If it amount to Five hundred Pounds and be less than One thousand Pounds, he shall have Eight Votes:

If it amount to or exceed One thousand Pounds, he shall have Ten Votes.

How Value is to be ascertained.

15. For the Purposes of ascertaining the annual Value in the last preceding Section mentioned, and also for the Purposes of ascertaining the Proportions of assenting or dissenting Proprietors under any of the Provisions of this Act, and also for the Purposes of the final Award to be made as herein-after mentioned, the Schedules of Value of the Lands deposited with the Commissioners before the Constitution of the District, and signed by the Inspector, under the Provisions herein-before contained, shall be binding upon all Persons concerned.

Mode of Election of Drainage Boards, and Proceedings thereof.

16. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the Mode of electing Members of Drainage Boards, and the Proceedings of Drainage Boards, shall be conducted in manner directed by the Schedule annexed hereto.

Certain Provisions of 10 & 11 Vict. c. 16 incorporated.

17. The Provisions of the Commissioners Clauses Act, 1847, with respect to,—

(1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;

(2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

(3.) The Appointment and Accountability of Officers of the Commissioners;

(4.) The Accounts to be kept by the Commissioners;

(5.) The giving Notices and Orders;

shall apply to the Drainage Boards, and shall be incorporated with this Act; and in the Construction of this Act and the said incorporated Provisions this Act and the Order constituting the Drainage District shall together constitute the "Special Act."

GENERAL

GENERAL POWERS OF DRAINAGE BOARDS.

Power to execute the Works.

18. It shall be lawful for the said Drainage Board to contract with or employ such Contractors, Surveyors, Agents, and Workmen as they shall think fit, and to make and execute all such Works as shall be described in the Maps, Plans, and Sections herein-before mentioned, or such Deviations therefrom, or such other Works as the Commissioners shall from Time to Time deem necessary for effecting all or any of the Purposes of this Act, and for such Purposes to enter into and upon any Land whatsoever, and to widen, straighten, deepen, divert, scour, or cleanse any River, Stream, Drain, Brook, Pool, or Watercourse running through such Land, and to make, open, and cut in or upon the same any new Watercourse, Side Cut, Ditch, or Drain, and to alter or remove any Bank, Sluice, Flood Gate, Drain, or Tunnel, and to make or erect any Bank, Sluice, Flood Gate, Drain, Tunnel, or other Works necessary for Drainage, and to dam, bar, and stop up with any Weir or Dam any River, Brook, Pool, Stream, or Watercourse, and also to make upon such Land any Embankment against the Sea or any Lake, River, Stream, or Watercourse, and to put and place on such Land any Piles, Stones, Earth, Soil, or other Materials for the Purposes of the Works, or for the more effectual Protection or Defence of such Land, or for the better conveying the Waters from the said Land into the Sea or into any River, Lake, Stream, or Watercourse, and also to form any Dam, and to erect any Sluice, Hatch, or Lock, in any River, Lake, Stream, or Watercourse, for the Purpose of supplying Water to any Mill or Factory, or of keeping back a Sufficiency of Water for the Use of Cattle, or for the Irrigation or Warping of Lands where such Irrigation or Warping shall be wanted, and shall be a beneficial Manurance to such Lands, and also to stop up or divert any Road or remove any Bridge, and to make any new Road or Bridge, and also from Time to Time to repair, alter, or remove any Sluice, Flood Gate, Hatch, Tunnel, Road, or other Works now made or to be made as aforesaid, and to divert, deepen, widen, cleanse, and scour any Ditch, Drain, Watercourse, or Side Cut now existing or to be made as aforesaid, and also to do all such Things and execute all such Works as may be necessary or convenient for the Purposes of this Act, and be sanctioned by the Commissioners, making Compensation, to be ascertained in the Manner herein-after mentioned, to all Persons for any Damage occasioned to them by the Exercise of any such Powers.

Powers enabling Drainage Board to carry on Works.

19. In order to enable the said Drainage Board to construct and maintain the said Works there shall be incorporated with this Act the several Sections of the several Acts of Parliament next herein-after mentioned; *viz.*, the Thirtieth, Forty-sixth, Fiftieth, Fifty-fifth, Fifty-sixth, Fifty-ninth, Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth Sections of the Act Fifth and Sixth *Victoria*, Chapter Eighty-nine, and the Twenty-eighth, Twenty-ninth, and Thirty-first Sections of the Act Sixteenth and Seventeenth *Victoria*, Chapter One hundred and thirty; and every Power, Authority, and Privilege by the said several Sections of the said Acts respectively conferred upon the Commissioners of Public Works in *Ireland* shall be deemed and taken to be conferred on such Drainage Board as aforesaid, to all Intents and Purposes whatsoever, and the said Drainage Board and every other Person or Persons shall be entitled to all Rights and Benefits conferred and subject to all Liabilities imposed by the said several Sections of the said last-mentioned Acts of Parliament, in like Manner in all respects as if the said Sections had been re-enacted by this Act, as far as the Difference of Circumstances will admit.

Power to purchase Lands.

20. It shall be lawful for the Drainage Board to contract for and purchase any Lands, Mills, and Water Power which may, with the Sanction of the Commissioners, be thought necessary or proper to purchase for accomplishing any of the Purposes of this Act, making such reasonable Satisfaction and Recompence to the Persons entitled to or interested in such Lands as shall be agreed upon or otherwise settled and ascertained in manner herein-after provided.

8 & 9 Vict. c. 18. incorporated.

21. All the Clauses and Provisions contained in the Lands Clauses Consolidation Act, 1845, relating to the taking of Lands belonging to Persons under Disability, or to the Application of Monies payable in respect of the Purchase of such Lands, or as Compensation for Injuries to the same, shall be deemed to be incorporated in this Act.

22. The

Drainage Board to have same Powers as a Railway Company.

22. The said Drainage Board, with respect to the Acquisition and Transfer of all such Lands as under this Act they may be enabled to take, and with respect to the Purchase Monies or Compensation payable for the same, shall possess all such Powers and Privileges, and be subject to all such Liabilities, Costs, Charges, and Expenses, as any Railway Company in *Ireland* would possess or be subject to under the Provisions of the said last-mentioned Act, or of any Act amending or varying the Provisions of the same.

Commissioners of Public Works to appoint an Arbitrator on Application of Drainage Board.

23. After the Constitution of a District under the Provisions of this Act, it shall be lawful for the Commissioners, upon the Application of the Drainage Board, from Time to Time, as Occasion may require, to appoint an Arbitrator between the Drainage Board and the Persons whose Lands are proposed to be taken for or which may be injuriously affected by the proposed Works to which the Plans and Estimates deposited as herein-before provided relate.

Power to Arbitrator to call for Documents and administer Oaths.

24. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Drainage Board, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him, and may examine any such Party and his Witnesses, and the Witnesses for the Drainage Board, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration before acting.

25. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the 'best of my Skill and Ability, hear and determine the Matters referred to me under the 'Provisions of the Act [*naming this Act*].

'*A.B.*

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Proceedings to ascertain Purchase Money and Compensation for Injuries.

26. Upon the First Appointment of such Arbitrator, the Schedules, Maps, Plans, and Sections which have been deposited with the Commissioners as aforesaid, or Copies thereof, shall be delivered to him by the Commissioners; and thereupon the Drainage Board shall take the same Steps with respect to publishing of Notices in all respects as are required by the Railways Act (*Ireland*), 1851, and the Railways Act (*Ireland*), 1860, to be taken by a Railway Company upon the Appointment of an Arbitrator under those Acts, and the same Proceedings shall be thereupon taken by such Arbitrator and Drainage Board respectively as are by the said Acts required to be taken in the Case of Lands to be taken or Works to be done by a Railway Company under the said Acts; and the Arbitrator shall decide upon the Purchase Money to be paid by the Drainage Board for any Lands to be taken, and also upon the Compensation to be paid for injuriously affecting any Estate or Interest of any Person or Persons in any Lands by reason of the Execution of the proposed Works, and also upon the Accommodation Works, if any, to be executed by the Drainage Board; and such Compensation shall be ascertained, and the Amount thereof, when ascertained, shall be paid and recoverable, in the same Manner and subject to the same Restrictions and Conditions in all respects, and to the same Right of Traverse, as is by the said Acts provided in the Case of the Purchase Money and Compensation for Lands taken or injuriously affected by the Works proposed to be made by any Railway Company; and every Award to be made under the Provisions of this Act shall be subject to the same Provisions as are in the said recited Acts contained with reference to Awards under the said Acts.

Provisions of 14 & 15 Vict. c. 70. and 23 & 24 Vict. c. 97., as to Ascertainment of Claims, incorporated.

27. For the Purposes mentioned in the last Section, the Railways Act (*Ireland*), 1851, and Railways Act (*Ireland*), 1860, shall be incorporated with this Act; and in the Interpretation of those Acts and of the said Lands Clauses Consolidation Act, 1845,—

The Expression "the Special Act" used in the said Acts, shall be taken to mean or apply to the Order sanctioning the Purchase of Lands and the Execution of Works by the Drainage Board:

The

The Expression "the Railway" used in the said Acts shall be taken to mean or apply to the Works proposed to be executed by the Drainage Board:

The Expression "the Company" used in the said Acts shall be taken to mean the Drainage Board who shall have obtained an Order sanctioning the Purchase of Lands and the Execution of Works in manner aforesaid.

Assessment of Compensation to Millowners.

28. The Arbitrator under this Act, and also the Jury which shall try any Traverse under this Act, shall have regard, in Cases of Mills or Factories, to any Benefit resulting or which may result from any Improvement which shall be effected by the Execution of the Works, in the Water Power or Constancy of Supply of Water to such Mill or Factory, or by Relief from Back Water, afforded to it; and every Arbitrator and Jury to whom any Question shall be referred under this Act shall set off such Benefit or estimated Benefit against the Sum or Sums which shall be assessed by him or them for Purchase Money or Compensation by reason of the Execution of the Works.

Provision for Payment of Expenses of Commissioners.

29. The Salary or Remuneration, travelling and other Expenses, of any Arbitrator appointed for any of the Purposes of this Act, and all Costs, Charges, and Expenses (if any) which shall be incurred by the said Commissioners in the Exercise of the Powers vested in them under this Act, shall be paid by the Drainage Board; and it shall be lawful for the Commissioners from Time to Time to require the Drainage Board to advance to the Commissioners any Sum or Sums of Money which may be required, or give other Security for the Payment of any such Costs, Charges, and Expenses; and the Amount of all such Costs, Charges, and Expenses shall be included in and form Part of the Expenses incidental to the Execution of the Works in the District in relation to which such Expenses shall be incurred, and shall be discharged accordingly.

After Award Drainage Board may commence the Works.

30. At any Time after the making of an Award by the said Arbitrator, and the Payment of the Purchase Money and Compensation thereunder, as herein-before provided, the Drainage Board may commence and proceed with the Works proposed to be executed for the Drainage or Improvement of the Land to which the Plans, Sections, and Estimates deposited with the Commissioners of Public Works may relate.

Compensation to be ascertained as before provided.

31. No Person shall be entitled to take any Proceedings at Law or in Equity for the Recovery of any Compensation or Damages in respect of any Property in any Drainage District by reason of any Works which the Drainage Board thereof shall execute, but his Right to any Compensation or Damages in respect of such Property, and the Amount thereof, shall be ascertained and be recoverable in the Manner herein-before provided, and not otherwise.

Existing Liabilities.

Saving of existing Liabilities to repair.

32. The Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer or Drain, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea or of any River, or doing any other Work within the Jurisdiction of a Drainage Board, shall continue, and the same may be enforced as if this Act had not passed.

Power to Drainage Boards to borrow Money for the Purposes of this Act.

33. It shall and may be lawful for every and any Drainage Board under this Act, from Time to Time as Occasion shall require, to contribute amongst themselves, or to borrow and take up at Interest of and from any Person who shall be willing to advance and lend the same, any Sum or Sums of Money required for defraying the Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of any Works for the Drainage or Improvement of any Land, or otherwise, under or by virtue of this Act, and to include in such Loan Interest upon the Principal Sum which may be agreed to be paid during the Interval between such Loan and the making of the final Award relative to the Works for which such Loan may have been contracted; and the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, shall be secured to the Party lending the same upon the Monies accruing to the Drainage Board under or by virtue of the Award to be made as herein-after mentioned.

34. In

Power to Drainage Boards to grant Debentures to Lenders for Principal and Interest.

34. In all Cases of Monies to be contributed or borrowed and taken up at Interest by Drainage Boards under the Provisions of this Act, it shall and may be lawful for the Drainage Boards from Time to Time to grant a Security in the Form of Debenture for such Monies, under their Common Seals, to every Person who shall advance any Sum of Money for the Purposes of this Act, every such Debenture being numbered in the Order of its Execution by the Drainage Boards, and setting forth the Amount of the Sum for which each such Debenture is issued, and the Rate of Interest payable for the same, and the Period to expire before the same shall upon Notice become payable, with a Reference to the Land for the Drainage or Improvement of which or other Work for the Construction of which such Sum shall have been so borrowed or taken up, and the District within which the same or any of them may be situate; and that every such Debenture shall be made in the following Words, or as near thereto as the Circumstances of the Case will admit:

Form of Debenture.

'No.

'Debenture to Lender of Money.

'Amount £

'26th Victoria, c.

'Drainage District, Ireland, in the County of No.

'BY virtue of an Act passed in the Twenty-sixth Year of the Reign of Her Majesty Queen Victoria, intituled "The Drainage and Improvement of Lands Act (Ireland), 1863," the Drainage Board of the District, in consideration of the Sum of Sterling to them lent and paid by , doth hereby certify, and it is hereby witnessed, that the Monies to become payable to the said Drainage Board under their final Award, for and in respect of the Drainage, Improvement, and other Works in the District of in the County of particularly mentioned, described, and referred to in the Maps, Plans, Schedules, and Estimates deposited with the Commissioners of Public Works in Ireland, pursuant to the said Act, are hereby charged with the Repayment of said Sum of , such Repayment to be made to the said or other the Person entitled thereto in One Payment, at such Time after the Expiration of Years from the Date hereof as may be appointed by the said Drainage Board, pursuant to Notice to be given for that Purpose, with Interest at and after the Rate of per Centum per Annum, such Interest to commence and to be computed from the Day of the Date hereof, and be payable half-yearly, on each First Day of January and First Day of July, until the Principal Sum shall be repaid or be repayable, pursuant to Notice, as aforesaid, which Sum so lent and advanced by the said was taken up and borrowed by the said Drainage Board for the Purposes of said Act.

'In witness whereof the said Drainage Board have hereunto affixed their Common Seal, this Day of .

'Entered Common Seal.'

Debentures may be transferred.

And the Monies mentioned in each such Debenture, with the Interest thereon, shall be charged upon and repayable and paid by the said Drainage Board out of the Monies which shall come to their Hands under the final Award to be made in respect of the Lands or District for or in respect of which such Monies shall have been borrowed; and any such Debenture may be transferred by any Instrument of Transfer or Assignment endorsed thereon; and all Persons to whom such Securities shall be so given, or other Person entitled thereto by Endorsement thereon as aforesaid, shall be entitled to the Monies accruing and payable under such final Award, according to and in the Order of the Number of each such Debenture as aforesaid: Provided also, that nothing herein contained shall be deemed, construed, or taken to extend to make the Members of Drainage Boards or any of them personally, or their respective Lands or Tenements, Goods and Chattels, liable to the Repayment of any of the Monies to be borrowed or secured in pursuance of this Act, save in so far as they are or may be liable under and by virtue of the Award to be made as herein-after provided. Every such Debenture as aforesaid, and every Assignment or Transfer thereof, shall be chargeable with the same Stamp Duty as a Bond for the like Amount and the Assignment or Transfer thereof are by the Laws in force subject or liable to respectively.

Drainage Boards to pay off Debentures on Notice after Period limited for such Purpose.

35. In all Cases of Debentures issued as herein-before provided, it shall be lawful for the Drainage Boards, at any Time after the Expiration of the Period when, under the Provisions aforesaid, any such Debenture may upon Notice as aforesaid become payable, to publish a Notice in the *Dublin Gazette*, and in such Newspapers as they shall deem fit, fixing a Time, not sooner than Two Calendar Months from the Date of such last-mentioned Notice, when the Principal Money secured by any such Debenture shall be paid or payable, having regard to the numerical Order in which the several Debentures for the District shall have been executed by the Drainage Boards; and in such Notice the Debenture to become payable shall be described by the Name of such District in respect of the Works within which such Debenture shall have been so issued, and by the Number on such Debenture; and it shall be lawful for the Drainage Board, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of any such Debenture mentioned in such Notice; and from and after the Expiration of the Time appointed by the said Notice the Interest upon the Principal Monies secured by any such Debenture shall cease and determine.

Loans of Public Monies to Drainage Boards.

Power to Commissioners of Public Works to make Advances.

36. It shall be lawful for the Commissioners of Public Works, upon Application of any Drainage Board, out of any Monies in their Hands available for Loans, by and with the Sanction of the Commissioners of Her Majesty's Treasury, and subject to such Rules and Regulations and Conditions as the said Commissioners of the Treasury may think proper from Time to Time to make, to issue and advance to any Drainage Board such Sum and Sums of Money as they may think proper, to be applied for the Purposes of aiding in the Completion of the Works in any such District.

Application by Memorial.

37. Every such Application shall be made by Memorial stating the particular Circumstances rendering such Loan necessary or expedient, the estimated Expense of the intended Works, the Period at which the same are proposed to be completed, and the Sum of Money in the Hands of the Drainage Board applicable to the said Works, together with such other Particulars as the Commissioners may require.

Commissioners to make an Order for Advance.

38. The Commissioners shall thereupon cause an Inquiry to be made into all the Circumstances of the Case, and may, if after such Inquiry they shall so think fit, make an Order for the Advance to the Drainage Board of the Money required for the Completion of the Works: Provided always, that no Issue or Instalment of any such Loan or Advance shall be made unless the said Commissioners shall be satisfied that the Drainage Board have previously *bonâ fide* expended a Sum of Money equal to the Amount of such Issue or Instalment in the Drainage and Improvement of such District, nor in any Case shall any such Loan or Advance be made exceeding One Moiety of the Monies proposed to be expended on the Drainage and Improvement of such District; and every Loan to be made by the said Commissioners of Public Works under this Act shall be issued by Instalments not exceeding at any Time One Fifth of such Moiety; and no Second or any subsequent Instalment of any such Loan shall be made until it shall have been proved to the Satisfaction of the said Commissioners, in such Manner as they shall require, that the preceding Instalment has been properly expended on the Works for which such Loan shall have been sanctioned and approved of by the said Commissioners.

Every Loan to be issued by Instalments.

On Completion of Works, Commissioners to make Award.

39. As soon as conveniently may be after any Works for the Drainage or Improvement of any Land under this Act, or any other Work by this Act authorized to be executed, shall have been completed, or, if the Commissioners shall think fit, on the Expiration of the Period by the Order of the Commissioners limited for the Completion of such Works, though the same may not have been fully completed, the said Commissioners shall make an Award or Awards as herein-after mentioned: They shall draw up, or cause to be drawn up, a Draft Award or Instrument in Writing, which shall describe in general Terms, and by Reference to Maps and Schedules or otherwise, as the Commissioners shall think proper, the Land or River drained or improved as aforesaid, and the Works which shall have been so completed; and such Award shall also specify the several Quantities belonging to the reputed Proprietors respectively of such Land so drained or improved as aforesaid, and the original

original Value and the Increase of the Value of the Land so drained or improved; and such Award shall also specify the Amount of the Sums which shall have been expended upon and about the Works which shall have been so executed for Drainage or Improvements by Drainage, and all Expenses incident thereto; and such Award shall also specify the Amount of any Monies borrowed or contributed under the Provisions of this Act (otherwise than and except any Sum advanced or agreed to be advanced by the Commissioners of Public Works), and the Interest on the same from the Date of such Advance; and such Award shall specify the Proportions of such Sums payable in respect of the several Parcels or Portions of the Lands drained or improved by Drainage towards Payment of the total Amount of the Costs, Charges, and Expenses of such Drainage or incidental thereto, and whether the same shall be repaid in One Sum or by Instalments, and if by Instalments the said Award shall also specify the said Instalments; and in every such Award regard shall be had to the Degree of Benefit conferred as aforesaid, and the Circumstances of each particular Case; and by such Draft Award the said Commissioners may also appropriate to each Proprietor so advancing Monies as aforesaid (if in their Opinion it shall be practicable to do so) a Portion of the entire Charge which shall be proportionate to the Sum so advanced by such Proprietor, and to declare such Proprietor to be entitled, in respect of such Portion, to a specified Charge affecting only certain specified Parcels or Denominations of the said Lands, or to declare any Two or more Proprietors so advancing Monies as aforesaid to be jointly entitled to any distinct proportionate Part of the Sum or Sums so to be charged on any distinct Parcel or Parcels, Denomination or Denominations of the said Lands, and in such Shares and Proportions between such last-mentioned Proprietors respectively as by such Draft Award shall be specified; and the said Commissioners may insert in every such Award all such other Determinations, Matters, and Things as they shall think necessary and proper; and the Commissioners shall also specify in every such Award the Proportions in which the Land drained and improved as aforesaid, and the Proprietors of such Lands in respect thereof respectively for the Time being, shall in future be annually charged towards the Costs and Expenses which may from Time to Time be incurred in or about the maintaining, cleansing, and keeping in repair the several Watercourses, Sluices, Drains, Ditches, Cuts, Rivers, Lakes, Streams, Tunnels, Culverts, Banks, Bridges, Outlets, Weirs, Embankments, Fences, and other Works executed under this Act, and shall also specify, according to such Proportions as aforesaid, the Rate which shall be payable towards such Costs and Expenses as last aforesaid for the Year next ensuing the Date of such Award.

A Draft of the Award to be printed and published, and a Copy deposited with the Clerk of the Peace.

Notice thereof to be posted at the usual Places, and inserted in Newspapers, requiring Persons objecting thereto to send in their Objections.

40. The Commissioners shall within One Calendar Month next after the making of said Award cause a Draft thereof to be printed and sold at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof, and shall within such Calendar Month cause such Draft, or a Copy thereof, to be deposited in their Office, and another Copy with the Clerk of the Peace for every County wherein the Land or River, or any Part thereof, which shall have been drained or improved, may be situate; and such Clerk of the Peace is hereby authorized and required to receive the same; and all Persons shall have Liberty to inspect the same on the Payment of Sixpence; and when such Draft Award has been so deposited, the Commissioners shall cause Notice thereof to be inserted once in each Week for Three successive Weeks in some One or more Newspapers usually circulated in such District or the Vicinity thereof; and the Commissioners shall by such Notice require all Persons who may desire to lodge Objections to the said Award to lodge the same at such Place and before such Time as shall be specified in the said Notice; and the Commissioners shall also in the said Notice state that they will proceed to hear any Objections which may be lodged, and to settle the Award, at such Time and Place in or near such District as shall be specified in the said Notice, such Time not to be sooner than One Calendar Month from the first Publication of such Notice.

Drainage Board to furnish Documents.

41. For the Purpose of enabling the Commissioners to make such Award, the said Drainage Board shall furnish and submit to the Commissioners all Accounts, Plans, Maps, Specifications, and other Documents and Information in their Power or Procurement relating to the District respecting which such Award is intended to be made.

42. The

Commissioners or One of them to examine into Objections.

42. The Commissioners or One of them shall attend at such Time and Place as he shall so appoint, and examine into the Matter of any Objection which shall be so lodged to the Award, and shall hear all such proper Evidence as may be offered to them or him in respect thereof, and shall make such Alterations (if any) in the said Award as they or he shall think fit, and may adjourn such Attendance from Time to Time, and shall settle and seal such Award.

Award to be enrolled.

43. Every Award, when finally settled by the said Commissioners, with proper Schedules, Map, or Plan referred to, describing the District and the Lands therein to which such Award shall relate, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland;* and such Award, when so finally settled and enrolled, shall be binding and conclusive on all Parties, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with; and the said Drainage Board shall, within One Month after the said Award shall be finally settled, cause such Award to be printed and kept for Sale at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof; and such Award shall be entitled, "The —— District Apportionment of Expenses Award."

Apportioned Expenses to be charged on Lands.

44. The respective Sums of Money which by the Award of the Commissioners shall be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under this Act, towards the total Amount of the Sums (other than any Rentcharge payable in respect of any Advance of Public Money as aforesaid) expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at the Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, shall be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land, save those created under the Authority or Provisions of any Act of Parliament heretofore passed, and save the Rentcharge payable in respect of any Advance of Public Money under this Act as aforesaid, and any Quit or Crown Rent or Rentcharge in lieu of Tithe issuing thereout.

In case of Non-payment of Money so charged, Drainage Boards may enter into Receipt of the Rents, and mortgage the Land.

45. If any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of Three Calendar Months next after the Time appointed for the Payment of the same by the said Award, then it shall be lawful for the Drainage Board, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof, (but subject nevertheless to such Quit or Chief Rent, or other Incumbrance, if any, as aforesaid,) and the Rents and Profits of such Land to receive and take, until thereby or otherwise the Sum and Interest so due (together with all Costs and Expenses attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Land) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery in *Ireland,* upon the Application by Petition of the Drainage Board, to appoint a Receiver of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expenses of the Application to the said Court, Order and Proceedings thereon, and of such Quit or Chief Rent issuing out of such Lands and Premises (if any), and without Prejudice to such prior Incumbrances, or any Remedy for the Recovery of the same, respectively in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the Drainage Board, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expenses attendant thereon, by Mortgage of such Land or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the Drainage Board is hereby authorized.

In case of Loan by the Commissioners of

46. In case any such Loan shall have been made to any Drainage Board by the Commissioners of Public Works as aforesaid, then and in such Case it shall be lawful for the Commissioners,

Commissioners, on the Completion of the Works in the District within the Period mentioned in the Order of the Commissioners, or within such further Period as the Commissioners may have appointed for the Completion of the said Works, or in case the Works in any District shall not be completed within either of the Periods aforesaid, then at such Time as the Commissioners shall think proper, they shall make an Award for the Purpose of ascertaining the Proportions in which the several Lands within such District shall be chargeable with the Repayment of such Loan by the Commissioners, together with Interest on the same from the Date of such Advance until the Date of such Award; and such Award shall be called "The —— District Repayment of Public Advances Award," and shall describe, by Reference to Maps, Plans, or otherwise, the Land or River in respect of which such Award shall have been made, and shall specify the several Lands, and Quantities belonging to the reputed Proprietors respectively of such Land, and the Amount of such Loan and Interest as aforesaid, and all other Expenses incurred by the said Commissioners in respect thereof, in pursuance of the Provisions of this Act; and such Award shall specify the Principal Monies advanced by the Commissioners, and Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the respective Dates of such Advances; and such Consolidated Sum of Principal and Interest shall by such Award be apportioned amongst the respective Proprietors in such District, and on their Lands respectively; and such Awards shall specify the respective Amounts of the gross Sums of Money and the Rentcharges payable in respect of such Loan, Interest, and Expenses as aforesaid, which shall be charged upon the said several Parcels or Portions of Land as aforesaid, regard being had to the Circumstances of the Case, and the Degree of Benefit conferred or expected to be conferred upon the said several Lands by the said several Works within the said District; and the like Proceedings in all respects shall be had with regard to the said last-mentioned Award as are herein-before directed of and concerning the aforesaid Award to be made after the Completion of the Works within any District, called District Apportionment of Expenses Award.

Public Works, they may make Award.

47. The several Lands mentioned in any such Award as last aforesaid shall, from the Date of such Award, become charged with the Payment to Her Majesty of an annual Rentcharge of Six Pounds Ten Shillings for every One hundred Pounds charged on the said Lands respectively, and so in proportion for any lesser Amount, to be payable for the Term of Twenty-two Years, to be computed from the Fifth Day of *April* or Tenth Day of *October* which shall next happen after the making of such Award, such Rentcharge to be paid by equal half-yearly Payments on the Fifth Day of *April* and Tenth Day of *October* in every Year, the First of such Payments to be made on the Second of such Days which shall happen after the Date of such Award: Provided always, that where the gross Sum chargeable upon any particular Parcel or Denomination of Lands in respect of any such Advance of Public Monies shall not exceed the Sum of One hundred Pounds, it shall be lawful for the Commissioners, by their said Award, to fix and determine the Instalments by which such Sum, together with Interest at the Rate of Four Pounds *per Centum per Annum* from the Date of such Award, shall be repaid, and such Instalments shall be charged and recovered in like Manner as the Rentcharge aforesaid.

A Rentcharge of 6*l.* 10*s.* for every 100*l.* charged.

48. Every such Rentcharge or Instalment to be secured by any such Award shall take Priority of all Charges and Incumbrances whatsoever and whensoever made, save and except Quitrents and Rentcharges in lieu of Tithes, and also save all Charges prior in Date (if any) created under the Authority or Provisions of any Act of Parliament heretofore passed.

Priority of Rent-charge.

49. All Monies, including the Rentcharges aforesaid, charged by virtue of this Act upon any Lands, shall be held to be chargeable upon the whole of any Denomination or Townland any Part of which shall be drained or improved under the Provisions of this Act, or upon any Portions thereof belonging to the same Proprietor which may by the Award of the Commissioners be made chargeable therewith.

Charges to extend to the entire Denomination of Land drained.

50. The Rentcharges which shall become payable under this Act shall be paid to the Commissioners of Public Works in *Ireland*, or to such Person and in such Manner as the Commissioners

Rentcharges to be paid.

Commissioners of Her Majesty's Treasury may from Time to Time signify and appoint, by Notice to be published in the *Dublin Gazette* for that Purpose, and the Receipt of the said Commissioners or their Accountant, or such other Person to whom they shall be so directed to be paid, shall be a sufficient Discharge for the same.

Certain Clauses in 10 & 11 Vict. c. 32. incorporated.

51. The Thirty-ninth, Fortieth, Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-seventh, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Sixty-fifth Sections of the Act Tenth *Victoria*, Chapter Thirty-two, together with the Schedules referred to by the said Sections or any of them, shall be deemed to be incorporated in this Act, save that every Act therein directed to be done by or to the Paymaster of Civil Services shall be done by or to the Commissioners of Public Works, and shall be as effectual to all Intents and Purposes as any such Act would have been if done by or to the said Paymaster under the Provisions of the said last-mentioned Act.

Powers of Commissioners as to summoning Witnesses, &c.

52. The Commissioners shall have the same Powers of summoning Witnesses, and calling for the Inspection of Documents, and generally for the ascertaining of all Matters to enable them to make their Award, as are by the Railways Act, *Ireland* (1851), and Railways Act, *Ireland* (1860), given to an Arbitrator acting under the said Acts; and they shall also have Power, by themselves and their Servants, to enter upon any Lands within the Drainage District, in case they shall deem it necessary or expedient so to do, for the Purposes of their Award.

Costs of Arbitration to be deemed Part of Expenses.

53. All Costs, Charges, and Expenses of any Arbitration under this Act, and of making any Award by the Commissioners, shall be included by the Commissioners making any Award under this Act in the Monies chargeable and apportioned by virtue of such Award.

Tenants paying Monies on account of Landlord to deduct them from Rent.

54. Every Occupier of any Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay for the Land in his Occupation, on account of his Landlord, any Sum charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on, each Sub-Lessee and Sub-Lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the same so charged upon such Land under or by virtue of this Act from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act, who shall not be entitled to make any such Deduction from the Rent, if any, payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor paying any such Sum of Money shall be acquitted and discharged of the Sum so paid by him as fully and effectually as if the same had been actually paid to his Landlord (except where there may be a Covenant to the contrary in any Lease or Agreement for a Lease); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expenses incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

Proprietors of less than Fee Simple may charge the Expenses on the Lands.

55. Any Person entitled to less than an immediate Estate of Fee Simple may charge (according to the Priority aforesaid) the Land to which he shall be entitled, and which shall have been drained or improved by Drainage under the Provisions of this Act, with the Proportion of any Expenses to be defrayed by him under the Award as aforesaid, or any Part thereof, with lawful Interest thereon, but so nevertheless that the Charge upon such Lands or Premises shall be lessened in every successive Year (to be computed from the Date of such Award) by the Amount of at least One Twentieth Part of the whole Sum of the Instalments charged thereon by the Award, and the Interest in respect thereof.

Commissioners to determine Amount of increased Rent to

56. After the Completion of any Drainage Works under this Act, in case any Land which shall be drained or improved by such Drainage Works shall be in the Occupation of a Person who shall not be a Proprietor thereof within the Meaning of the Provisions in that

that Behalf herein-before contained, or in case any Land so drained or improved shall be held under any Person who shall, within the Meaning of the aforesaid Provisions, be a Proprietor thereof, by any other Person or Persons, under any Lease, Agreement, or Contract for a Lease, or shall be held under any Lease, Agreement, or Contract for a Lease granted or made by any Person or Persons having any immediate or derivative Title from or under such Proprietor, then and in such Case the Commissioners, if called upon so to do, shall determine the Amount of increased Rent or Rents which such Occupant and other Person or Persons having such immediate or derivative Title from or under such Proprietor as aforesaid shall pay in consequence of any Improvement of such Land, regard being had to the Duration, Extent, and Value of the Interest of such Occupant or Person or Persons in such Land, and the necessary Expenses to be incurred in the Cultivation thereof, and the peculiar Circumstances of each Case, and specially to the Amount of Benefit derived by the Tenant by means of the Works, or, at his Option, of the annual Rentcharge which under this Act would cover the Expenses of such Works; and the Landlord or respective Landlords of such Occupant or other Person or Persons, and every intermediate Landlord, shall have the same Remedies for the Recovery of such increased Rent or Rents as he or they was or were entitled to for the Rent or Rents originally reserved; and the Decision of the Commissioners shall be signified by Endorsement sealed by them on the Lease or Instrument, or Leases or Instruments of Demise, or by a separate Instrument, to be executed in like Manner: Provided always, that Notice shall be given by the Commissioners to the Occupier or other Person whose Rent is proposed to be increased of the Intention to make such Increase, and by such Notice a Time and Place shall be specified at which it shall be lawful for such Occupier or other Person to appear before the Commissioners, and make any fair and reasonable Objection which he may have to the Rent being increased by the Commissioners in the Manner aforesaid.

be paid for Land improved.

57. For the Purpose of effectually maintaining and upholding, in all Cases in which Works shall be executed under this Act, all and singular the Drains, Watercourses, Banks, Sluices, Flood Gates, Tunnels, Water Gates, Buildings, Bridges, and other Works, and of supplying in such Cases all Things that may be required to work the same, and for the Payment of all necessary Expenses of Maintenance of Works of Drainage, Water Power, and all other Expenses incident thereto, and all Costs, Charges, and Liabilities from Time to Time properly incurred by them in the Execution of the Provisions of this Act, it shall be lawful for the Drainage Board, and they are hereby respectively authorized and required, once in every Year to meet in some convenient Place, and then to determine and fix the Sum of Money that shall be contributed and raised during the then ensuing Year for the Purposes of effecting, sustaining, supporting, and upholding all and singular the aforesaid Works, and for other the Purposes of this Act, and (having regard to and in the Proportions fixed for such Purpose by the said Award) to assess, rate, and tax the Proprietors of the said Land for and towards the Payment and Satisfaction of all such Sums of Money, Costs, Charges, and Expenses as may be required for the Purposes last aforesaid, and for the Payment and Satisfaction of any Sum of Money raised for such Purposes, and the Interest thereof; and the said several Sums so rated and assessed shall be charged on the Land so drained or improved, in preference to and with Priority over all Incumbrances thereon: Provided nevertheless, that any Quit or Crown Rent, or Rentcharge in lieu of Tithe, issuing thereout, and any Rentcharge under this Act, shall have Priority to such Sums of Money so rated or assessed; and the Drainage Board shall have the same Powers, Rights, and Privileges, by Entry or Mortgage, to enforce the Payment of all such last-mentioned Sums of Money, Costs, Charges, and Assessments as are herein-before given to them for the enforcing Payment of the Sums charged under the Award as aforesaid.

Drainage Boards to hold annual Meetings, and fix the Amount to be raised for Maintenance and Repairs for the ensuing Year.

58. It shall be lawful for the Drainage Board from Time to Time and at any Time, for such Considerations as they may think proper, and with the Consent of the said Commissioners signified under their Seal, to release any Portion of the Lands of any Proprietor from the whole or any Part of any Charge payable to such Board under the Provisions of this Act; and no such Release shall affect the Rights or Remedies of such Board as against the Residue of the Lands, Part of which may be so released, or in respect of the Residue of any such Charge.

Power to Drainage Board to release.

59. It

Power to Drainage Board to sell Lands not required.

59. It shall be lawful for any such Drainage Board from Time to Time, with the like Consent of the said Commissioners signified as aforesaid, for such Considerations as they may think proper, to sell and convey any of the Lands which they may have acquired under the Provisions of this Act, and which may be no longer required by such Board: Provided that the said Drainage Board, before they shall sell or dispose of any such Land as aforesaid, shall first offer the same to the Person to whose Estate the same originally belonged, and then to the Person whose Estate shall adjoin thereto, and such Land shall not be sold to any other Person at such Price as the Persons entitled to a Preference shall be willing to give for them, or at any lower Price.

Power to recover Maintenance Rates by Civil Bill.

60. The said Rates or Charges for Maintenance of the said Works in any District shall also be recoverable by Civil Bill, brought by the Drainage Board to which the same shall be payable, against the Person or Persons for the Time being in Possession or in Receipt of the Rents or Profits of the Lands in respect of which such Rates or Charges shall be payable.

Service of Notices on Occupiers and Proprietors.

61. Except where a special Mode of Service is provided by this Act, all Notices required to be served by virtue of this Act upon the Occupier or Proprietor of any Land shall either be served personally on him, or be left at his last usual Place of Abode in *Ireland*, if any such can after diligent Inquiry be found, and in case he is absent from the United Kingdom, and his last usual Place of Abode cannot be found after diligent Inquiry, it shall be affixed on some conspicuous Part of such Premises.

Notices to Corporations to be left at their principal Office.

62. If any Occupier or Proprietor on whom Notice is to be served is a Corporation Aggregate, or Joint Stock or other Company, or Body of Proprietors or Undertakers, such Notice shall be left at the Principal Office of such Corporation, Company, or Body, or if no such Office can after diligent Inquiry be found, shall be served on some Agent, if any, of such Corporation, Company, or Body, but if no such Officer or Agent can be found it shall be left with the Occupier of the Lands, or if there be no such Occupier shall be affixed on some conspicuous Part of such Lands.

On Death of Arbitrator, Commissioners to appoint another.

63. If any Arbitrator appointed for any of the Purposes of this Act shall die, or refuse, decline, or become incapable to act, the Commissioners may from Time to Time, and as often as same may become necessary, appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Commissioners of Public Works may appoint an Officer to inspect and report upon Execution of Works.

64. After the Constitution of a Drainage District under the Provisions of this Act, and during the Execution of any Works by the Drainage Board of such District, it may be lawful for the Commissioners of Public Works, upon the Application of any Person or Persons who shall have advanced any Monies for the Purpose of the Works to be executed within such Drainage District, and in case it shall seem expedient to the said Commissioners, to appoint a duly qualified Officer to proceed to the District to inspect the Execution of the said Works, and to report to the said Commissioners upon the Sufficiency or Insufficiency thereof, and thereupon the said Commissioners shall make such Order relative to the Execution, Alteration, or Modification of such Works as to them will seem requisite, and transmit such Order to the Drainage Board of such District; and the Drainage Board shall thereupon proceed with the Execution, Alteration, or Modification of such Works, in accordance with the said Order of the Commissioners; and in the event of any Drainage Board wilfully neglecting or refusing to comply with such Orders, it shall be lawful for the Persons who shall have advanced any Monies for the Purpose of the Works to apply by summary Petition to the Court of Chancery in *Ireland*, and thereupon such Court shall make such Order thereon as shall seem just, and shall issue any Writ or Writs of Injunction to enforce any such Order, and shall have Power to adjudge by whom the Costs of any such Proceedings shall be borne.

Costs of legal Proceedings on Part of Drainage Boards.

65. All Costs, Charges, and Expenses incurred by Drainage Boards in instituting or defending any legal Proceedings instituted or defended by them in their Character of Drainage Boards may be defrayed out of the Rates leviable by them, and no Member of a Drainage Board shall be personally liable in respect of any such Costs, Charges, or Expenses.

66. That

66. That every Person upon Examination on Oath or Affirmation before the Commissioners, or any Officer appointed by them, and also every Person making any Affidavit, Declaration, Deposition, or Affirmation, who shall wilfully and corruptly give false Evidence, or shall in such Affirmation, Affidavit, Declaration, or Deposition wilfully or corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, shall be subject to the Pains and Penalties of Persons convicted of wilful and corrupt Perjury by any Law in force for the Time being. Any Person swearing falsely, guilty of Perjury.

TENDER OF AMENDS.

67. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of Amends.

SAVING CLAUSES AND MISCELLANEOUS.

68. Nothing in this Act shall authorize any Drainage Board or Proprietor— Saving Rights of Canal Owners, Wharfingers, &c.

(1.) To interfere with any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, irrigating, or improving Land under any Public, Local, or Private Act of Parliament, so as to injuriously affect the same;

(2.) To interfere with any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Supply of Water to any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation on such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Use or Maintenance thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are by virtue of any Act of Parliament or otherwise entitled to navigate on or use such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(3.) To interfere with the Works or Supply of Water of any Body or Persons, corporate or unincorporate, supplying Water to any Town or Place, so as to injuriously affect the same;

(4.) To execute any Works in, through, or under any Wharfs, Quays, Docks, Harbours, or Basins belonging to the Proprietor or Proprietors of any inland Navigation constituted by Act of Parliament or otherwise, or for the Use of which they are entitled by virtue of any Act of Parliament or otherwise to demand any Tolls or Dues;

without the Consent of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of Individuals under their Hands, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, or Trustees under the Hand of their Clerk, or other duly authorized Officer or Agent.

69. Nothing in this Act shall authorize any Drainage Board to divert any River in such Manner as to injure or to diminish the Supply of Water to any Harbour, without the Consent of the Conservators or any Authority having the Management of such Harbour. Drainage Boards not to divert Rivers so as to injure Harbours.

70. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Power to Canal Commissioners to alter Sewers.

River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor of the Drainage Board, take up, divert, or alter the Level of Sewers, Drains, Culverts, or Pipes constructed by the Drainage Board, and passing under or interfering with or with the Improvement or Alteration of such River, Canal, Dock, Harbour, or Basin, or the Towing-path of such River, Canal, Dock, Harbour, or Basin, and do all such Matters and Things as may be necessary for carrying into effect such taking-up, Diversion, or Alteration.

Penalty on Persons creating Obstructions or Nuisances.

71. No Person shall cause or permit any Obstruction in or otherwise injuriously affect any Watercourse in respect of which any Works shall have been commenced or executed by any Drainage Board, or shall, without the Consent of the Drainage Board, cause any filthy or unwholesome Water, or Washings of Manufactories or Mines, or other foul or poisonous Liquid, to flow into any such Watercourse; and any Person offending against this Enactment shall incur a Penalty not exceeding Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued, to be recovered in a summary Way before Two or more Justices at Petty Sessions; but this Section shall not apply to any Person having a legal Right to create such Obstruction or other Injury, or to cause such Water, Washing, or Liquid as aforesaid to flow into any existing Watercourse.

Power to Drainage Boards to remove or alter any insufficient Bridges, &c.

72. If the Commissioners shall be of opinion that for the Purpose of carrying out the Drainage Works in any District it is necessary to rebuild or alter any existing Bridge, Culvert, or Archway for the Discharge of Water under any public Road, it shall be lawful for any Drainage Board (having first obtained the Certificate of the Commissioners to that Effect) to take down and remove or to alter such Bridge, Culvert, or Archway, the Drainage Board (when in the Opinion of the Commissioners necessary) constructing a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down, removed, or altered, and supporting and maintaining the same until the Completion of the Works necessary for the Restoration to public Use of such Bridge, Culvert, or Archway; and in every Case where an existing Bridge, Culvert, or Archway shall be taken down and removed the Drainage Board shall construct a new Bridge, Culvert, or Archway, with the necessary Roads of Approach thereto respectively, according to such Plans, Specification, and Estimate as shall have been submitted to and approved by the said Commissioners; and the Expense of such temporary and permanent Bridge, Culvert, or Archway and Roads shall (save as herein-after mentioned) form Part of the Costs of the Works in the District in which the same may be situated.

In case new Bridge, &c. should confer a public Benefit a Portion of the Expense to be paid by the County.

73. Provided always, That in case the Commissioners shall be of opinion that the original Bridge had been so constructed as to be an Impediment to the natural Discharge of the Water, having reference to the State of the River, Stream, or Drain in its unimproved Condition, or in case the said Commissioners shall be of opinion that such new Bridge, Culvert, or Archway, when so constructed, will confer greater Advantages on the Public than the former Bridge, Culvert, or Archway, by affording an improved Means of Communication or otherwise, it shall be lawful for the said Commissioners to issue a Certificate under their Seal declaring the Amount which the County within which such Works shall be situate ought to contribute towards the Expenses so incurred by the said Drainage Board; and such Certificate shall be laid before the Grand Jury of the said County at the Assizes next after the issuing of the same; and the Grand Jury of the said County is hereby authorized and required, without any Application to Presentment Sessions, to present the Amount mentioned in such Certificate to be levied off the County at large by such Sums and at such Times as shall be mentioned in such Certificate, and to be paid to the said Drainage Board.

Proviso in case of a new Bridge being in Two Counties.

74. Provided also, That where any such new Bridge, Culvert, or Archway shall be over any Stream or River forming a Boundary between Two Counties, the Commissioners shall in their said Certificate state that the said Amount shall be chargeable on and paid by the said Counties in equal Moieties, and such Proceedings shall be had with reference to the several

several Moieties of such Amount, and the Presentment, levying, and Payment of the same respectively, as are herein-before directed with respect to the entire Amount, when chargeable on One County in manner aforesaid.

In case Grand Jury refuse to present, the Court to make an Order.

75. And in case any such Grand Jury shall refuse to present the Sum mentioned in any such Certificate, the Court shall make an Order directing the Treasurer to insert such Sum in his Warrant, and the same shall be levied off such County in the same Manner as if the same had been duly presented by such Grand Jury, and thenceforth such Bridges, Culverts, Archways, and Roads shall be the Property of such County or Counties.

Exchanges may be made of Land.

76. 'And whereas it may happen that by reason of the Works to be executed in 'pursuance of the Provisions of this Act it may be convenient to alter the Boundaries of 'the Lands of different Owners, and therefore that such Powers of Exchange should be 'given to the Commissioners as after mentioned:' Be it therefore enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested as Owners, as herein-before defined, except Persons holding under a Lease reserving Rent for a Life or Lives, or for a Term of Years, in any Lands which shall be drained or improved under the Provisions of this Act, or in any Lands adjacent to any such Lands, and who shall desire to effect an Exchange of Lands in which they respectively shall be so interested, to direct Inquiries whether such proposed Exchange would be beneficial to the Owners of such respective Lands, and has been rendered necessary or expedient by reason of any such Drainage or Improvement as aforesaid; and in case the Commissioners shall be of opinion that such an Exchange would be beneficial, and that the Terms of the proposed Exchange are just and reasonable, they shall cause to be framed and confirmed, under the Seal of the Commissioners, an Order of Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands given and taken in Exchange by each Person so interested respectively, and a Copy of such Order shall be delivered to each of the Parties on whose Application the Exchange shall have been made, and such Order of Exchange shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Land taken upon every such Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Lands given on such Exchange would have stood limited or been subject to in case such Order had not been made; and all Expenses with reference to such Order and Exchange, or the Inquiries in relation thereto, or to any proposed Exchange, shall be borne by the Persons on whose Application such Order shall have been made or such Inquiries undertaken: Provided always, that no Exchange shall be made of any Land held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice: Provided also, that no One Lot or Parcel of Land given or taken in Exchange shall ever exceed Ten Acres; and it shall be lawful for the said Commissioners to authorize the Payment of any Sum of Money by way of Equality of Exchange, or in respect of any such Exchange, and the Monies so given shall be paid and divided by the said Commissioners in such manner as they shall think fit, and for the compensating the Parties interested in the Land given in Exchange, and according to their respective Estates and Interests, and the Decision of the Commissioners in the Premises shall be binding and conclusive upon all Persons interested in such Lands.

Notices of such Exchanges to be given.

77. Provided always, That no such Order of Exchange as aforesaid shall be confirmed by the Commissioners until Notice shall have been given by Advertisement, in Three successive Weeks, of such proposed Exchange, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case, before the Expiration of such Three Calendar Months, any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Exchange shall give Notice in Writing to the Commissioners of his Dissent from such proposed Exchange, the Commissioners shall not confirm an Order for such Exchange unless such Dissent shall be withdrawn, or it shall

be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

Security to be given.

78. Provided also, That before taking any Proceedings in reference to any such Exchange the Commissioners may require Security or Deposit of a Sum of Money to be given by the Person making the Application for the Expenses to be incurred attending such Proceedings.

Provision in case of *Alteration* of local Boundary.

79. Where, in exercise of any Powers given by this Act, any Watercourse forming a Boundary Line between Two or more Counties, Baronies, Unions, Parishes, or other Areas defined by Law is straightened, widened, or otherwise altered so as to affect its Character as a Boundary Line, the Drainage Board, under whose Authority such Alteration is made, shall forthwith report the same to the Lord Lieutenant in Council, who, if satisfied that a new Boundary Line may be adopted with Convenience, shall, by Notice to be published in the *Dublin Gazette* and in such other Manner as he may direct, declare that the Watercourse as altered shall either wholly or partially be substituted for the former Boundary Line, and the Limits of the Areas of which the Watercourse when unaltered was the Boundary shall be deemed to be varied accordingly; but if the Lord Lieutenant in Council is of opinion that a new Boundary cannot wholly or partially be adopted with Convenience, he shall require the Drainage Board under whose Authority the Alteration in the Watercourse was made to set out a Boundary upon the Line of the Watercourse as it existed before its Alteration, or in a new Course in lieu thereof, in such Manner as he may direct and approve; and a Copy of the *Dublin Gazette* containing the Advertisement in respect of any Alteration of Boundary made in pursuance of this Section shall be admitted as Evidence in all Courts of Justice of the Fact of such Alteration having been made.

Power to Drainage Boards, in case Mill Power be improved, with Owner's Consent, to rate the Millowner towards the Expenses of the Works.

80. In case the Proprietor of any Mill or Factory shall consent that any Dam, Weir, or Watercourse, or other Work or Obstruction connected with such Mill or Factory, shall, for the Purpose of Drainage to be effected under this Act, be altered and rebuilt, or that such Mill or Factory shall, by any Works of the Drainage Board, obtain any increased Water Power, it shall be lawful for the Commissioners to fix and determine the Amount of Rate or Contribution which shall be paid by the Proprietor of such Mill or Factory for the Improvement which shall be so effected, towards the Repayment of the Costs and Expenses of the Works to be executed within the District within which such Mill or Factory is situate, and the Rate which shall be paid in future for such increased Water Power; and the Drainage Board shall have such and the like Powers and Authorities to recover the Amount of Rate which shall be so fixed and determined as are given to them by this Act for the Recovery of any other Rates or Charges to be imposed by them under the Authority of this Act.

SCHEDULE referred to in the foregoing Act.

Rules as to Election of Members of Drainage Boards.

The Chairman of the Board of the previous Year, or some Person appointed by him, shall be the Returning Officer.

If at any Time, from any Default of such Chairman as aforesaid, or from any Reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Members of the Board of the preceding Year may appoint a Returning Officer in his Stead.

The Election of new Members shall take place on the First Thursday, or on such other Day as may be appointed by the Board, in September in every Year, excepting the Year in which the Order of the Commissioners is made.

On every Occasion of the Election of new Members of the Board the Returning Officer shall convene a Meeting of the Electors for the Purpose of such Election, and shall give Notice of such Meeting, and of the Time and Place at which it is to be held—

By

By Advertisement in some One or more of the Newspapers circulating in the District:
By causing a Copy of such Notice to be affixed to the outer Door of the principal Office of the Board:
Such Advertisement to be published, and Copy to be fixed, Fourteen Days before the Day appointed for such Election.

The Returning Officer shall preside and regulate the Proceedings at such Meeting.

At any such Meeting as aforesaid any qualified Person or Persons may, if he or they consent thereto, be nominated by any Elector, and seconded by any other Elector, as a Member or Members of the Board in the Place of any retiring Member or Members.

If more Candidates are proposed than the Number to be elected, the Returning Officer shall forthwith, in such Manner as shall appear to him most convenient, ascertain the Number of Votes for the Candidates who shall have been so proposed, and the Election and Return of such Candidates shall be determined by the Majority of such Votes; but if no more Candidates are proposed than the Number to be elected, then a Declaration by the Returning Officer that the Candidates are elected Members of the Board shall be Evidence of the Fact.

For the Purpose of ascertaining the Votes of the Electors the Returning Officer may, if he thinks fit, or if it shall be necessary or expedient, hold an adjourned Meeting of the Electors, at such Time and Place as he may fix at such First Meeting, and the Time and Place of such adjourned Meeting shall be publicly announced by him at the First Meeting, to be held as before provided.

Votes may be given either personally or by proxy. A Proxy shall be appointed under the Hand of the Appointer; but no Person shall be appointed a Proxy unless he is a qualified Elector.

The Returning Officer shall cause to be entered in the Polling Books to be kept for that Purpose the Name and Address of every Voter, and the Manner in which he votes.

After the Election the Returning Officer shall, as soon as possible, publish the Names of the Candidates elected as herein mentioned:—

(1.) By Advertisement in some One or more Newspaper or Newspapers circulating in the District:
(2.) By affixing a List of such Candidates to the outer Door of the principal Office of the Board.

Rules as to Proceedings of Drainage Boards.

1. The Drainage Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Condition:—That—

(*a*) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business:
(*b*) All Questions shall be decided by a Majority of Votes of the Members present:
(*c*) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.

2. The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Election, appoint One of their Number to be Chairman for the Year following such Choice.

3. If any casual Vacancy occurs in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

4. If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting.

5. In

5. In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

6. The Board may delegate any of their Powers to Committees, consisting of such Member or Members of their Body as they think fit. Any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.

7. A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

8. A Committee may meet and adjourn as they think proper. Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

9. The Board shall cause Minutes to be made in Books provided for that Purpose,—

(1.) Of all the Appointments of Officers made by the Board;

(2.) Of the Names of the Members present at each Meeting of the Board and Committees of the Board

(3.) Of all Orders made by the Board and Committees of the Board; and,

(4.) Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board.

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof.

CAP. LXXXIX.

An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of *Ireland*, from *England*. [28th *July* 1863.]

'WHEREAS it is expedient that the Law for the Removal of poor Persons, Natives of *Ireland*, from *England*, should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 24 & 25 Vict. c. 76. as authorizes Conveyances other than in Warrant, repealed.

1. That so much of the Fourth Clause of the Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, Chapter Seventy-six, as authorizes the Conveyance of any poor Person to any other Place than that mentioned in the Warrant of Removal, shall, at the Expiration of One Month from the Date hereof, be repealed.

Sect. 3 of 8 & 9 Vict. c. 117. extended to Ireland.

2. Section Three of the Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seventeen, shall be deemed to have applied and to apply to *Ireland* as well as to *England*.

Sect. 4 of the same Act repealed.

3. Section Four of the same Act is hereby repealed.

Penalty imposed upon wilful Desertion of Pauper on the Journey.

4. Any Person being employed in the Execution of a Warrant, duly issued under the Authority of the said Acts or either of them, who shall wilfully desert any Person mentioned therein before he or she shall have been conveyed to the Place of Destination, shall be guilty of a Misdemeanor, and upon Conviction thereof shall be liable to a Fine not exceeding Ten Pounds, and, in default of Payment, to Imprisonment for a Term not exceeding Three Months.

5. Any