Within Five Years after the opening of a Railway, the Company may be called upon to make certain Accommodation Works, and, if so, the Matter shall be referred to an Arbitrator.

15. Every Railway Company in *Ireland* shall cause proper Fences to be made and maintained for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and shall also provide and maintain proper Drains or other Passages either over or under or by the Sides of the Railway to convey Water from or to the Lands lying near or affected by the Railway, in the same Manner and to the same Extent as it was conveyed from or to the said Lands before the making of the Railway, or as near thereto as the Case may be; and in case any Owner or Occupier of such Land shall complain of the Want of or Insufficiency of any such Fences, Drains, or Passages, it shall be lawful for such Owner or Occupier, within Five Years after the Completion of the Works of any Railway and the opening of the Railway for public Use, to present a Memorial to the Commissioners of Public Works in *Ireland* stating the Ground of his Complaint, and thereupon the Commissioners shall inquire into the Matter of such Complaint, and, if they shall so think fit, the said Commissioners shall appoint an Arbitrator to hear and determine the Matter of the said Complaint.

Arbitrator shall have all the Powers of an Arbitrator appointed under 14 & 15 Vict. c. 70., and 23 & 24 Vict. c. 97.

16. The Arbitrator so appointed shall have and exercise all the Powers vested in any Arbitrator appointed under the "Railways (*Ireland*) Acts, 1851 and 1860," and shall proceed to investigate the said Complaint at some convenient Place to be named by the said Commissioners of Public Works, after giving Ten Days Notice of the Time and Place of Meeting to the Memorialists and to the Railway Company, and his Award may be traversed in the same Manner as any Award made by an Arbitrator appointed under the "Railways (*Ireland*) Acts, 1851 and 1860," and if not traversed shall be final; and the Costs of the said Arbitration and of the said Arbitrator shall be paid in the same Manner as the Costs of an Arbitration or Arbitrator under the "Railways (*Ireland*) Acts, 1851 and 1860."

The Company shall obey the Award of the Arbitrator, except in certain Cases.

17. The Company shall make all such Fences, Drains, and Passages as by the Award of the said Arbitrator they shall be directed to make; but no Company shall be required to make the same in such a Manner as will prevent or obstruct the working or using of the Railway, nor shall they be required to make any Fence, Drain, or Passage in respect of which the Owner and Occupier, or any former Owner and Occupier, shall have agreed to receive and shall have been paid Compensation in lieu of the making of the Works themselves.

Acts to be read together.

18. The Railways Act (*Ireland*), 1851, and the Railways Act (*Ireland*), 1860, and this Act, shall be construed together as One Act; and this Act, together with the said Acts, shall be held to be incorporated with those Acts in any Act already or hereafter incorporating those Acts or any of them.

Short Title.

19. This Act may be cited as the Railways Act (*Ireland*), 1864.

CAP. LXXII.

An Act to explain certain Provisions contained in the Drainage and Improvement of Lands (*Ireland*) Act, 1863. [25th *July* 1864.]

26 & 27 Vict. c. 88.

'WHEREAS an Act was passed in the Session held in the Twenty-sixth and Twenty-seventh Years of Her Majesty Queen *Victoria*, being "The Drainage and Improvement of Lands Act (*Ireland*), 1863:" And whereas Doubts may arise as to the Priorities in which, under and by virtue of the Forty-ninth Section of the said Act, the Monies, Rentcharges, and Instalments therein mentioned shall or may be respectively chargeable upon Lands other than those actually drained or improved, though being Portion of the same Townland or Denomination as the Lands so drained or improved; and it is expedient that any such Doubts should be removed:' Be it therefore enacted and declared by

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:

Monies, &c. chargeable upon undrained Townland, &c. as upon drained Lands.

1. In all Cases where any such Monies, Rentcharges, or Instalments as aforesaid shall, by virtue of the said Act, become charged upon any Townland or Denomination, or any Portion or Portions of the same, in addition to and together with the Lands actually drained or improved (such Townland or Denomination or Portion thereof belonging to the Proprietor of the said last-mentioned Lands, and settled to the same Uses as such last-mentioned Lands), the said Monies, Rentcharges, and Instalments respectively shall be deemed and taken to be charged upon such Townland or Denomination, or Portion or Portions of the same, as the Case may be, in the same Priority and in like Manner in all respects as the said Monies, Rentcharges, or Instalments shall, by virtue of the said Act, be chargeable upon the Lands actually drained or improved under the Provisions of the same: Provided always, that the Priority expressed to be created by this Act shall not affect any Incumbrance to which no Part of the Land drained or improved may be liable.

Persons interested may object to Inspector's Report.

2. Any Person interested in any Land within any proposed District to which the Report of any Inspector appointed by the Commissioners may refer may make Objections to such Report in like Manner and within the like Time as such Objections may now be made by any Proprietor in such proposed District.

Provisions of recited Act to apply to Cases where Lands drained by means of pumping.

3. 'Whereas in some Localities it may be found expedient to drain the Lands proposed 'to be drained by pumping only, or by pumping together with the other Means con-'templated by the said recited Act:' Be it enacted, That Works proper for the Drainage of Land by pumping shall be deemed to be Drainage Works within the Meaning of the said recited Act; and all the Provisions of the said Act shall apply to Cases where the Lands to be drained under the Provisions thereof shall be drained by pumping, either alone or together with other Drainage Works: Provided always, that in all Cases where it shall be proposed to drain any Lands by means of pumping as aforesaid, the Petition to be presented to the Commissioners shall set forth, in addition to the Particulars required by the said Act, the estimated Expense of erecting and maintaining the Works and Machinery necessary for such pumping, and the Mode in which it may be proposed that the Amount of such Expense shall be levied and applied; and no Drainage District shall be constituted where such Drainage is intended to be carried on solely or principally by pumping, unless and until the said Commissioners shall be satisfied as to the Sufficiency of the Means intended to be adopted for the due and proper Use and Maintenance of such pumping Works for Relief of the Lands proposed to be drained and improved.

Drainage Boards may contract for Erection and Maintenance of Works.

4. It shall be lawful for any Drainage Board in any District intended to be drained by pumping as aforesaid from Time to Time to contract with any Person or Company for the Erection, Maintenance, and Repair of any such pumping Works and Machinery connected therewith, and to apply the Funds which may be within the Control of such Board in liquidation of the Liabilities incurred by virtue of any such Contract.

Companies, &c. may contract for Supply of Water.

5. It shall be lawful for any Company or public Body now or hereafter to be incorporated for the Purpose of supplying Water to any Town or District to enter into any such Contract with any such Drainage Board for the Purpose aforesaid, and to carry out and effectuate the same.

Act and recited Act to be as One.

6. This Act and the said Drainage and Improvement of Lands Act (*Ireland*), 1863, shall be construed together as One Act.