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An Act to extend the powers of the Lord Mayor, Aldermen, and Burgesses of Dublin for the Purification of the River Liffey, and the Main Drainage of the said city; and for other purposes. [13th July 1871.]

WHEREAS under the provisions of "The Sanitary Act, 1866," the Right Honourable the Lord Mayor, aldermen, and burgesses of the city of Dublin, acting by the town council of the said city, are "the sewer authority" within the said city for the purposes of the said Act, and of "The Sewage Utilization Act, 1865," and are also "the nuisance authority" for executing the Nuisance Removal Acts, as the same are made applicable to Ireland by the said Sanitary Act, 1866: 29 & 30 Vict. c. 90. (*Pub.*) 28 & 29 Vict. c. 75. (*Pub.*)

And whereas, for the purpose of effectuating the objects of the said Acts, it is necessary that the river Liffey should be purified and the main drainage of the said city should be perfected:

And whereas by an Act passed in the session of Parliament held in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act to amend the Sanitary Act, "1866, so far as relates to the city of Dublin;" in this Act referred to as "The Liffey Act, 1870," the Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," are empowered to advance to the said town council of the city of Dublin, upon the security and in the manner by the said Liffey Act authorised, any sum or sums of money, not exceeding in the whole three hundred and fifty thousand pounds, for the payment of the expenses incurred in the execution of works necessary for the purification of the river Liffey and the completion of the said main drainage of the said city of Dublin, and incident thereto:

And whereas for the purposes aforesaid it is necessary to prevent the sewage of certain townships and districts immediately adjoining the said city of Dublin; that is to say, the townships of Pembroke, Rathmines and Rathgar, Kilmainham, and Clontarf, and the fol-

A.D. 1871. lowing parishes or extra-parochial places, viz., Saint Peter, Donnybrook, Saint Mark, Saint Bartholomew, Saint George, Glasnevin, Clonturk, Killester, Clontarf, Saint James, Grange Gorman, Chapelizod, Palmerstown, Crumlin, Ballyfermot, and Drimnagh, all in the county of Dublin, as well as the sewage of the said city, from passing into the said river Liffey, and to make other and better provisions in regard of such sewage, and to provide for the payment of the expenses incurred thereby and incident thereto in any township or district out of the rate or rates, out of which may be defrayed any expenses incurred within such township or district by the sewer authority or nuisance authority within the same in carrying into effect the said Sanitary Act, 1866, or the Nuisance Removal Acts by the said Act made applicable to Ireland:

And whereas for the purpose of effecting the purification of the said river Liffey, and for the perfecting of the main drainage of the said city, it is necessary that the works contemplated by the said Liffey Act, 1870, should be speedily undertaken and completed, and that the said town council of the said city should be authorised and empowered to take certain lands required for the said purposes, and to construct the necessary works:

And whereas plans and sections showing the situation, lines, and levels of the works proposed to be executed for the purposes aforesaid under the authority of this Act, and the lands through or upon which the same are intended to be made, with a book of reference to such plans containing the names of the owners or reputed owners, lessees, and occupiers respectively of the lands (other than the public streets within the said borough) in, over, upon, through, or under which the same are intended to be constructed or laid down, or which may be taken for the purposes thereof, have been deposited in the offices of the clerks of the peace for the county of Dublin and county of the city of Dublin respectively, and also with the respective clerks of the poor law unions (north and south) of the said city, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient to afford further facilities for the levy and collection of the rate or rates out of which the expenses which will be incurred in the execution of the said works, or be incident thereto, are to be defrayed:

And whereas the several objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say, A.D. 1871.

Short title.

1. This Act may be cited for all purposes as "The Dublin Main Drainage and Purification of Liffey Act, 1871."

Provisions of Acts herein named incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," (save and except the clauses of the said Acts which relate or have reference to the purchase of lands otherwise than by agreement, and such other clauses as are not modified by or are inconsistent with the provisions of this Act, and of the Railways Acts next herein-after mentioned,) "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the construction of the railway and the works connected therewith, the crossing of roads and bridges, the breaking up and interference therewith and restoration thereof by the Corporation, and the temporary occupation of lands near the railway during the construction thereof, and to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, as amended by the 87th section of "The Dublin Improvement Acts Amendment Act, 1864," sections 13, 18, and 19 of "The Railways Clauses Act, 1863," and "The Commissioners Clauses Consolidation Act, 1847," with respect to contracts and deeds, to byelaws, and to the giving of notices and orders, shall, except where expressly varied by or inconsistent with the provisions of this Act, be incorporated with and form part of this Act: Provided always, that nothing in this Act contained, except as therein expressly provided, shall prejudice or affect any powers the Corporation may have under any other Act or Acts now in force, or otherwise.

Interpretation of terms.

3. In construing the said recited or incorporated Acts, or any of them, for the purposes of this Act, the following words and expressions shall have the meaning hereby assigned to them; that is to say,

The words "the promoters," "the promoters of the undertaking," "the undertakers," "the Commissioners," "the Company," shall mean the Corporation:

The words "the railway" and "the undertaking" shall mean the sewers, main drains, and other works in this Act mentioned:

The words "works" and "railways," mentioned in "The Railways Clauses Act, 1863," shall be taken to signify the works proposed by this Act:

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The words "treasurer" and "town clerk" shall respectively mean the treasurer and town clerk for the time being of the said city or borough:

The words "collector general" shall mean the collector general of rates for the time being appointed under the provisions of an Act of the twelfth and thirteenth years of Her present Majesty, chapter ninety-one, intituled "An Act for the "collection of rates in the city of Dublin:"

The word "owners," used with reference to any special rate to be levied and paid under this Act, shall mean the person for the time being entitled to receive the rackrent of any lands, hereditaments, or buildings, or who, if such lands, hereditaments, or buildings were let to a tenant at rackrent, would be entitled to receive the rackrent from the occupier thereof:

The expressions "the sewers," "the main drains," or "the intercepting sewers," shall mean the sewers and main drains by this Act authorised:

The expression "local authority" shall mean and apply to the sewer and nuisance authority (as defined by "The Sanitary Act, 1866,") of any township, district, or place (other than the borough of Dublin) within the limits of this Act;

And the expression "local authorities" shall mean and apply only to those local authorities, or any two or more of them, as the case may require:

The word "lands" shall mean and include green samphire and other marshes, sloblands, mudbanks, sandbanks, shoals, flats, and sands covered by the sea at high water, as well as ordinary lands, and other descriptions of property comprised under the term "lands" in "The Lands Clauses Consolidation Act, 1845:"

The word "works" shall mean and include all embankments, walls, slopes, cuts, channels, and watercourses, and also all sewers, culverts, drains, syphons, arches, sluices, locks, lock gates, pumping stations, roads, bridges, quays, banks, water and other works which may be necessary or convenient for carrying into effect the objects and purposes of this Act:

The expression "rateable value" shall mean the rateable value of property as valued under the Acts relating to the valuation of rateable property in Ireland:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

Other expressions and words to which in the incorporated Acts meanings are assigned shall respectively have the same meanings in this Act, and in this Act the several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings, unless there be something in the subject or context repugnant to or inconsistent with such construction.

Council to carry Act into execution.

4. The Corporation by the council of the borough shall and they are hereby authorised to carry this Act into execution.

Council to call special meeting for that purpose.

5. The council shall, within one calendar month from and after the passing of this Act, at a special meeting to be held in the council chamber of the borough, called by order of the Right Honourable the Lord Mayor of Dublin, proceed to put this Act into execution; and in case twenty of the members of the council shall not be present at such meeting, it shall be lawful for the Lord Mayor, and he is hereby required, to postpone or adjourn such intended meeting from day to day until twenty members of the council shall be present, when the council shall proceed to carry this Act into execution: Provided always, that the Lord Mayor shall call such meeting or meetings of the council, and in case he shall neglect or omit to do so within the time herein specified, it shall be lawful for any five or more members of the council to call such meeting in the ordinary way, at any time after the lapse of the period herein-before mentioned.

Committee to be appointed.

6. The council shall at such special meeting, and in the month of January next but one succeeding, and then afterwards in the month of January in every year, appoint out of their own body twelve persons, who, together with six persons to be appointed by the local authorities, and in the manner by this Act prescribed, shall be a committee for carrying into execution the works and purposes authorised by this Act, to be called "the Dublin Main Drainage Committee;" and the council shall fix the quorum of such Main Drainage Committee, and shall name a chairman and deputy chairman thereof, and the persons appointed members of such committee shall continue to be members thereof for one year, and until their successors shall be appointed; and such committee may from time to time appoint sub-committees of their number; provided that in the event of any vacancy occurring by the death or resignation of any member of the committee, another member shall be selected by the council, or by the local authority or authorities by whom such deceased or retiring member was appointed, to fill such vacancy at the meeting of the council or of such local

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authority or authorities to be held next after notice of such vacancy shall have been given to the council or to such local authority or authorities by the town clerk; and it is hereby declared that the acts and proceedings of the Main Drainage Committee already appointed and acting under the powers and provisions of the said Sanitary Act, 1866, shall, when ratified and approved of by the council, be deemed to form a part of the proceedings of the committee appointed under this Act: Provided also, that the said committee shall from time to time report to the council their proceedings, and the reports and acts of such committee shall be subject to the control of the council, and such reports shall be presented to the council at intervals of not less than six months.

Appointment of certain members of the Main Drainage Committee.

7. Within one month after the passing of this Act, and in the month of January next but one succeeding, and then afterwards in the month of January in every year, the Rathmines and Rathgar Improvement Commissioners shall at a meeting of their board appoint three of their body, and the Pembroke Commissioners shall at a meeting of their board appoint two of their body, and the Clontarf Township Commissioners and the New Kilmainham Township Commissioners shall at a joint meeting of their respective boards appoint one person, being a member of one of the said boards, to be members of the Dublin Main Drainage Committee; in case the Clontarf Township Commissioners and the New Kilmainham Township Commissioners make default in appointing such member of the Dublin Main Drainage Committee, and do not certify the appointment of such member in the manner by this Act prescribed, the chairmen of the Clontarf Township Commissioners and of the New Kilmainham Township Commissioners shall jointly, or in default of either of the said chairmen then the chairman of the other commissioners, or in his default the chairman of the Rathmines and Rathgar Improvement Commissioners and the chairman of the Pembroke Commissioners jointly, shall nominate and appoint a person, being a commissioner of either of the said two townships of New Kilmainham and Clontarf, to be a member of the Dublin Main Drainage Committee; and every member so appointed as last aforesaid shall continue in office until the time for the next appointment of members by the said Clontarf and New Kilmainham Township Commissioners under the provisions of this Act.

Appointment of members to be certified to the Main Drainage Committee.

8. Whenever an appointment of a member of the Dublin Main Drainage Committee has been made by any of the local authorities herein described, the clerk of the local authority or the clerks of the local authorities by whom the appointment was made shall, by writing under his or their hand, certify the appointment to the

Dublin Main Drainage Committee, and shall forthwith transmit the certificate of such appointment to the town clerk. A.D. 1871.

Members to be disqualified on ceasing to be members of the local authorities appointing them.

9. If a member of the Dublin Main Drainage Committee, being a member of the town council or of any local authority, ceases to be a member of the council or of the local authority by whom he was appointed, he shall also cease to be a member of the Dublin Main Drainage Committee; but such disqualification shall not apply if he only goes out of office in rotation as a member of such council or local authority, and is re-elected at the next ensuing election.

Members going out of office eligible for re-election.

10. Every member of the Dublin Main Drainage Committee going out of office shall, if otherwise duly qualified, be eligible immediately or at any future time for re-appointment, and every person re-appointed shall be deemed a new member.

Proceedings of committee.

11. The committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, but no business shall be transacted at any meeting of the committee unless the quorum of members fixed by the council be present; and at all meetings of the committee the chairman or deputy chairman, or in their absence any other member to be appointed by the members present, shall be chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes, the chairman of the meeting shall have a casting vote, in addition to his vote as a member of the committee.

Minute book of proceedings of committee to be kept, and to be open for inspection.

12. The secretary for the time being of such committee shall enter in a minute book to be kept for that purpose the proceedings of such committee, in continuation of the proceedings of the Main Drainage Committee acting under the provisions of "The Sanitary Act, 1866," and such minute book shall at all reasonable times be open to the inspection of the Lord Mayor, aldermen, and councillors of the said borough.

Limits of Act.

13. The limits of this Act shall comprise and include the borough of Dublin, and also the several parishes, townships, and extra-parochial and other parochial places; (that is to say,) Saint Peter, Donnybrook, Saint Mark, Saint Bartholomew, so much of the Pembroke township as is situate to the west and north-west of the river Dodder, Rathmines and Rathgar township, New Kilmainham township, the Clontarf township, parishes of Saint George, Glasnevin, Clonturk, Killester, Clontarf, Saint James, Grange Gorman, Chapelizod, Palmerstown, Crumlin, Ballyfermot, and Drimnagh, all in the county of Dublin.

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Power to make sewers.

14. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, and subject also to the agreement with the Dublin Port and Docks Board contained in the schedule to this Act, the Corporation, acting by the town council and their Main Drainage Committee duly appointed in that behalf, shall make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the sewers and works hereinafter described, or some or one of them, with all proper and convenient flaps, reservoirs, tanks, receivers, pumping stations and apparatus, ventilating apparatus, flushing apparatus, connecting sewers, and other works and appliances and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose, or for any of the purposes of this Act. The sewers and works hereinbefore referred to are the following:

1. A sewer (in this Act called intercepting sewer No. 1), with all necessary approaches, embankments, regulating basins, waste weirs and gates, overflows, sewers, manholes, channels, diversions of streams and roads, tanks, pumping stations, conduits, pipes, syphons, tunnels, and other works and conveniences connected therewith, commencing by a junction with the bed of the Swan river where it crosses under the public road leading from Dublin to Donnybrook, partly in the townland of Donnybrook West in the parish of Donnybrook and townland of Forty Acres, and Baggotrath East in the parish of Saint Bartholomew, and which said point in the said road is one hundred and thirty yards or thereabouts south-east of the junction of Waterloo Road in the parish of Saint Peter with said road, all in the Pembroke township and county of Dublin, and thence passing in, through, or into the several townlands and parishes herein-after mentioned, or some of them; that is to say, the townland of Donnybrook West in the parish of Donnybrook, the townland of Forty Acres in the parish of Saint Bartholomew, the townland of Baggotrath East in the parishes of Saint Peter and Saint Bartholomew, all in the Pembroke township and county of Dublin; the townland of Baggotrath West in the parish of Saint Peter in the Rathmines and Rathgar township and county of Dublin; the parishes of Saint Peter, Saint Anne, Saint Mark, Saint Andrew, Saint Mary, Saint Thomas, and Saint George; the townlands of Clonliffe South, Loves Charity, and Clonliffe East, in the said parish

of Saint George, all in the said borough and county of the city of Dublin; the townland of Clonliffe East in the parish of Saint George and county of Dublin; the townlands of Ballybough and Marino in the parish of Clonturk; the townland of Clontarf West in the parish of Clontarf; the townland of Killester South in the parish of Killester; the townlands of Clontarf East, Green Lanes, and North Bull, in the parish of Clontarf, all in the township of Clontarf and county of Dublin, and terminating at or near a point sixty-three yards or thereabouts east of the beacon on the end of the North Bull Wall in the county of Dublin, with a reservoir or receiver on the North Bull, north-east of the North Bull Wall, and all necessary pipes and sewers, penstocks, sluices, overflows, engines, and approaches, gullies, ventilators, and other works connected therewith:

2. A sewer (in this Act called intercepting sewer No. 2), commencing at the river Cammock at the point where it crosses the boundaries of the New Kilmainham township and the borough or city of Dublin under the surface of the public road at Kilmainham Bridge, leading from Old Kilmainham to Island Bridge, in the parish of Saint James, and partly in the townland of Kilmainham in the parish of Saint James in the township of New Kilmainham and county of Dublin, and thence in, through, or into the several parishes hereinafter mentioned, or some of them; (that is to say,) the parish of Saint James, Saint Audoen, Saint John, Saint Andrew, Saint Mark, Saint Mary, Saint Thomas, all in the borough and county of the city of Dublin, and terminating in a connexion with sewer No. 1, firstly described, at a pumping station intended to be constructed upon the strand south-east of the junction of the North Strand Road and the Clontarf Road in the townland of Ballybough, parish of Clonturk, township of Clontarf, and county of Dublin:

3. A sewer (in this Act called intercepting sewer No. 3), commencing under the surface of the middle of the road or street called Arbour Hill opposite the north-west corner of the Royal Barracks in the parish of Saint Paul in the borough and county of the city of Dublin, and thence passing in, through, and into the several parishes herein-after mentioned, or some of them; (that is to say,) the parishes of Saint Paul, Saint Michan, Saint Mary, and Saint Thomas, and Saint George, all in the borough and county of the city of Dublin, and terminating by a junction with sewer No. 1, firstly

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described, at or near the junction of Sackville Street, Upper, with Great Britain Street, partly in the parish of Saint Mary, partly in the parish of Saint Thomas, and partly in the parish of Saint George, in the borough and county of the city of Dublin:

4. A sewer (in this Act called intercepting sewer No. 4), commencing by a junction with the Poddle river at or near the entrance gate into the Lower Castle Yard from Ship Street, partly in the parish of Saint Bridget and partly in the parish of Saint Werburgh in the borough and county of the city of Dublin, and thence passing in, through, or into the several parishes herein-after mentioned, or some of them; (that is to say,) the parishes of Saint Bridget, Saint Werburgh, and Saint Andrew, all in the borough and county of the city of Dublin, and terminating by a junction with sewer No. 1, firstly described, in Grafton Street, opposite Nassau Street, partly in the parish of Saint Andrew and partly in the parish of Saint Mark and borough and county of the city of Dublin:

5. A sewer (in this Act called intercepting sewer No. 5), commencing under the surface of the road at or near the northern end of King's Bridge in the parish of Saint Paul in the borough and county of the city of Dublin, and thence passing in, through, and into the several parishes herein-after mentioned, or some of them; that is to say, the parishes of Saint Paul, Saint Michan, and Saint Mary, in the borough and county of the city of Dublin, and terminating by a junction with sewer No. 2, secondly described, in Bachelor's Walk, at or near the north-west end of Carlisle Bridge in the parish of Saint Mary in the borough and county of the city of Dublin:

6. A sewer (in this Act called intercepting sewer No. 6), commencing in the township of Pembroke at a point within two hundred and fifty feet south-westward of Macquay Bridge in the townland of Baggotrath North in the parish of Saint Peter, township of Pembroke, and county of Dublin, the upper surface of the invert of such sewer to be not higher than thirty-five feet six inches above the datum line shown on the deposited sections; and thence passing under the Grand Canal, and in, through, and into the several townlands and parishes herein-after mentioned, or some of them; that is to say, the townland of Baggotrath North in the parish of Saint Peter, township of Pembroke, in the county of Dublin, and the parishes of Saint Peter, Saint Mark, and

Saint Andrew, all in the borough and county of the city of Dublin, and terminating by a junction with sewer No. 2 at or near the south-west end of Carlisle Bridge in the parish of Saint Andrew and borough and county of the city of Dublin:

7. A pumping station, with reservoirs, tanks, engines, approaches, and other works connected therewith, situate on the strand or ground between the Tolka river and the Clontarf Road, to the south-east of the junction of the North Strand Road and Clontarf Road, north of Annesley Bridge, and at or near the termination of sewer No. 2, where it is to join with No. 1 sewer, in the townland of Ballybough, parish of Clonturk, township of Clontarf, and county of Dublin.

Plans, &c. of reservoir and outlet on the North Bull Wall to be submitted to Admiralty.

15. Previous to commencing the construction of the reservoir and outlet on the North Bull Wall at Clontarf, hereby authorised, the Corporation shall submit plans and working drawings thereof for the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral, such approval to be signified by writing under the hand of the secretary of the Admiralty, and such reservoir and outlet shall be constructed only in accordance with such approval.

If work commenced before approval of Admiralty be obtained, the same to be removed at expense of Corporation.

16. If any work which requires the previous consent of the said Lord High Admiral or the said Commissioners be made without such consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such work, or any part thereof, and the cost of every such abatement shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Corporation.

Powers of deviation.

17. In the execution of the works by this Act authorised, but subject to the provisions of this Act and to the said agreement with the Dublin Port and Docks Board, the Corporation may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon; and where the line of works as shown upon the deposited plans passes along any highway, turnpike, or other road, bridge, or street, and no limits of lateral deviation are shown on the deposited plans, the Corporation may, in making the works, deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such highways, turnpike or other roads, bridges, or streets respectively, and may deviate vertically from the levels thereof shown on

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the deposited sections to any extent they may think fit, not exceeding five feet.

Provisions for the protection of the Grand Canal Company.

18. For the protection of the rights and interests of the Grand Canal Company (herein-after in this section called "the Canal Company") in relation to their canal (herein-after in this section called "the canal"), the following provisions shall take effect:

1. Before the Corporation shall carry their proposed main sewer or culvert across or under the canal, or before they commence any work (either temporary or permanent) in connexion therewith, or within twenty-one feet at either side of the canal, they shall give to the Canal Company notice in writing of their intention to execute such work, not less than fourteen clear days before beginning the same, by leaving such notice, together with plans, elevations, sections, and other necessary particulars, at the office of the Canal Company:

2. No such main sewer, culvert, or other work as last herein-before mentioned or referred to shall be made or constructed except under the superintendence of the Canal Company, their engineer or other authorised officer, and according to such plan as shall be approved of by the Canal Company, or their engineer or other officer, or in case of any difference or disagreement respecting such plan, as shall be settled or determined by an engineer to be appointed for that purpose by the Board of Public Works in Ireland, upon the requisitions of the Canal Company and Corporation, or either of them (and which said engineer as referee the said Board of Public Works are hereby authorised and directed in such case to nominate and appoint), and when so appointed the said engineer as such referee may, on the application of the Canal Company or their said officer, modify such plans according to his judgment and discretion, and may require the Corporation, if he sees fit so to do, to make temporary or other works for guarding against any interruption of the traffic on the canal and any pollution of the water thereof, and for protecting the quantity of the said water therein during the execution of the said main sewer, culvert, or other work herein-before referred to: Provided always, that if the Canal Company or their officer fail to signify their approval or disapproval of said plan of the Corporation, and of the mode of carrying the same into operation or effect, within fourteen days next after the service on them, or their said officer, of the said notice, and of the delivery to them or him of the said plans, sections, and other particulars as aforesaid, or if after said plans shall

have been approved of, settled, and determined either by the Canal Company, or by the engineer appointed as referee by the Board of Works as aforesaid, the Canal Company, or their said officer, fail to attend at the time to be fixed by notice in writing for the commencement or execution of the said works (such notice not being less than fourteen clear days from the time of such commencement), or shall refuse or neglect to superintend the said operations, then and in any or either of such cases the Corporation may perform and execute the same without the superintendence of the Canal Company, or their said engineer or other officer:

3. The Corporation shall comply with and conform to all reasonable directions and regulations of the Canal Company in the execution and maintenance of the said works (whether temporary or permanent), and shall save harmless the Canal Company against all and every the expenses occasioned thereby; and, subject to the provisions of this Act, all such works shall be done and executed at the proper costs, charges, and expenses of the Corporation, and all the reasonable costs, charges, and expenses which the Canal Company may be put to for or by reason of the said works, or of the superintendence of their said officer, or otherwise in relation to the same, shall be borne and paid by the Corporation to the Canal Company on demand:

4. If at any time and from time to time, by means of the execution or maintenance of the works of the Corporation (whether temporary or permanent), or by the acts of any of their contractors, agents, workmen, or servants, the traffic of the canal be obstructed or interfered with, or the water now or at any time hereafter supplied by the Canal Company to any person or corporation be diminished, polluted, or interfered with, so as to cause any damage, loss, injury, expense, or liability to the Canal Company, the Corporation shall make good and pay to the Canal Company the amount of any such damage, loss, injury, expense, or liability, and the amount thereof (in case of disagreement between the Canal Company and Corporation) shall, together with all other matters in controversy between the said parties, and not herein-before provided for, stand referred to arbitration under and according to "The Railways Companies Arbitration Act, 1859," as if the Corporation and the Canal Company were two railway companies, and for such purpose the said Act is incorporated with this Act.

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For protection of Midland Great Western Railway (of Ireland) and Royal Canal.

19. Whereas the intercepting sewer No. 1 and the intercepting sewer No. 2 respectively will pass under and across the railway of the Midland Great Western Railway (of Ireland) Company (hereinafter called "the Midland Company") and the Royal Canal belonging to the Midland Company, and it is expedient that provision should be made for the protection of the railway and canal of the Midland Company: Therefore the works by this Act authorised shall be executed only in accordance with and subject to the following provisions:

(A.) The Corporation shall not commence the execution of any works for carrying either of the said intercepting sewers under or across the said railway or canal within fifty feet on either side of the said railway or canal, as the case may require, unless and until the Corporation shall have delivered to the Midland Company plans, drawings, and sections of the works affecting the said railway or canal, with specifications in writing describing the proposed manner of executing the same, and shall have obtained from the engineer of the Midland Company a certificate under his hand, approving of such drawings, sections, specifications, and proposed manner of executing those works, or failing such approval within one month of the delivery to the Midland Company of such plans and other documents as aforesaid, then a certificate from an engineer to be appointed in that behalf by the Board of Trade, on the application of the Corporation, with due notice to the Midland Company: Provided always, that in case the engineer of the Midland Company should not signify his approval or disapproval of such plans within the time before specified, then it shall be lawful for the Corporation to proceed with the said works according to the plans and specifications sent to the Midland Company:

(B.) In constructing the intercepting sewer No. 2 under and across the said railway and canal the Corporation shall, without necessitating the purchase of house property, carry the same as near as may be to the north-western limit of deviation shown on the deposited plans, and they shall not carry the same nearer to the bottom of the said canal or of the rails of the said railway than is shown on the deposited plans, except with the consent in writing of the Midland Company under their common seal:

(C.) The works for carrying the intercepting sewer No. 1 under and across the said railway and canal shall be so con-

structed that the upper surface of the sewer shall not be less than six feet below the surface of the water in the canal when the same is level with the top rail of the breast gate of the lock immediately seaward of the said sewer:

(D.) The works for carrying the said sewers across the said railway and canal shall be of such dimensions and character, in such lines and such levels, as to admit of the same being made and kept in repair without any prejudice or obstruction to the said railway and canal, or either of them, or interruption to the traffic thereon respectively:

(E.) The works affecting the said railway and canal shall be made and maintained by and at the expense of the Corporation in accordance with plans, sections, and specifications to be approved as aforesaid, and under the superintendence and to the reasonable satisfaction of the engineer of the Midland Company, who from time to time may, at the expense of the Corporation, appoint and employ such necessary inspectors and watchmen to superintend the execution of the works and to secure the safety of the Midland Company's railway and canal, and the non-interruption of the traffic thereon, as he thinks proper:

(F.) The Corporation shall not, without the consent of the Midland Company in writing under their common seal, acquire any part of that Company's lands or property; but where any part of the works hereby authorised is to be executed in or upon any land of the Midland Company, the Corporation may acquire an easement or right of making and maintaining the work on that land in such manner as not to prejudice any part of the Midland Company's railway and canal, or the works and conveniences connected therewith respectively, or the passage of traffic upon and along the said railway and canal respectively:

(G.) If it shall be found necessary in the construction of the said sewers to run off the water of the canal, the Corporation may by notice in writing to the Midland Company require that Company to run off the water on a day to be specified in such notice, not being less than fourteen days after the service of such notice upon the Midland Company, and to keep the same so run off for a period not exceeding seven days, and the Midland Company shall be bound to comply with such notice, and the Corporation shall pay to the

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Midland Company for every day during which the water is so run the sum of fifty pounds as liquidated damages and expenses for the injury to the Company by reason of the water being so run off, and of the interruption of the traffic of the Company thereby occasioned, and which sum may be recovered, with full costs of suit, by the Midland Company in any court of competent jurisdiction.

Provision for case of injury to the Midland Great Western Railway (of Ireland) Company.

20. If by reason of the construction, repair, or reconstruction of any of the works hereby authorised, or by reason of the want of repair, or due and proper maintenance thereof, the said railway and canal of the Midland Company, or either of them, shall be injured or damaged, such injury or damage shall forthwith be made good by the Corporation at their own expense, or in the event of their failing to do so, then the Midland Company may make good the same and recover the expense thereof, with full costs, against the Corporation in any court of competent jurisdiction; and if by such reason as aforesaid any interruption shall at any time be occasioned to any of the traffic passing to, from, or along the said railway or canal, as the case may be, except in the case provided for in the immediately preceding enactment, the Corporation shall, on demand, pay to the Midland Company all costs and expenses to which that Company may be put, as well as full compensation for the inconvenience, loss, injury, and damage sustained by them by reason of such interruption, such costs and expenses to be recovered, with full costs of suit, by the Midland Company in any court of competent jurisdiction.

Confirming agreement with Dublin Port and Docks Board.

21. The agreement made between the Corporation and the Dublin Port and Docks Board, bearing date the thirteenth day of May one thousand eight hundred and seventy-one, a copy whereof forms a schedule to this Act, is hereby confirmed, and shall be binding on the Corporation as fully and effectually as though the said agreement formed part of this Act.

Penalty for obstructing or interfering with Corporation in execution of works.

22. If any person wilfully obstruct any person acting under the authority of the Corporation in setting out the line of the works, or deface or destroy any work made for the purpose, every person so offending shall for every such offence forfeit a sum not exceeding ten pounds, to be recovered and recoverable as in case of other penalties under this Act.

Deposit of plans, &c. with Board of Trade.

23. Before commencing any work below high-water mark at ordinary spring tides, the Corporation shall deposit at the office of the Board of Trade plans, sections, and drawings of the work for

the approval of the Board of Trade, to be signified in writing under the hand of a secretary or assistant secretary of the Board of Trade, and the work shall be made only in accordance with such approval; and when the work is begun or made the Corporation shall not at any time alter or extend the same below high-water mark at ordinary spring tides without first obtaining the like approval of the Board of Trade; and if any work below high-water mark at ordinary spring tides be commenced, completed, or altered contrary to the provisions of this section, the Board of Trade may abate and remove it, and restore the site thereof to its former condition, at the expense of the Corporation, and the amount thereof shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs of suit, or may be recovered with costs as a penalty is recoverable from the Corporation.

Power for Corporation and certain companies to enter into agreements.

24. The Corporation on the one hand, and each of the following Companies, that is to say; "the Dublin and Drogheda Railway Company," "the Midland Great Western Railway of Ireland Company," and "the Grand Canal Company" (in this Act called "the three Companies"), respectively, on the other hand, from time to time may enter into and carry into effect all such agreements for any of the purposes by this Act in that behalf respectively authorised, and all matters authorised and accessory thereto, as the respective contracting parties think fit; and the agreements respectively may be for such periods and on such terms, pecuniary and otherwise, and conditions, as the respective contracting parties think fit.

Purposes of agreement.

25. The purposes for which agreements between the Corporation and the three Companies, or any of them respectively, are to be made or entered into and carried into effect under this Act comprise the following purposes, and all matters incidental or accessory thereto; (that is to say,)

(A.) The making and maintaining by the three Companies, or any of them, of any of the works by this Act authorised to be executed by the Corporation in, over, or upon any part of the property of the respective contracting Company or Companies:

(B.) The using by the Corporation of any of the works so made and maintained.

Sewers to be kept in repair.

26. From and at all times after completion of the works by this Act authorised the Corporation shall keep and maintain the same in good repair, working order, and condition, and the expenses incurred thereby shall be deemed to be expenses incurred by the said

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town council in carrying into effect the said Sanitary Act, 1866, and the Nuisance Removal Acts, and shall be paid out of the same rate or fund, and in like manner in every respect.

Power to purchase, &c. land by agreement for certain purposes.

27. Subject to the provisions herein-after contained, "the Corporation" may from time to time by agreement purchase or hold on lease any lands adjoining or near to any of the sewers or works by this Act authorised for any of the purposes of this Act, and may from time to time sell or let any such lands upon such terms and conditions as they think fit: Provided always, that no greater quantity of land than five acres in the whole, not included in the line of sewers, shall under this section be purchased or taken by "the Corporation."

Power to purchase easements.

28. The Corporation from time to time may by agreement purchase any easement, right, power, or privilege of constructing, maintaining, and from time to time of diverting, altering, reconstructing, enlarging, flushing, cleansing, or repairing any conduit, culvert, drain, aqueduct, watercourse, or other work, any right of way or other right in, through, under, or over, upon, or affecting any lands, which they may think requisite for any of the purposes of this Act, except any easements or rights of water.

Grants of easements by incapacitated persons.

29. The persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey lands shall have full power to make to the Corporation grants of any such tenements, rights, powers, or privileges as aforesaid, and the consideration for any such grant may be either a sum in gross or a perpetual annual rentcharge, and the Corporation may secure any such rentcharge by all usual and proper powers of distress or otherwise, and the provisions of the said Act, and of "The Lands Clauses Consolidation Act (Amendment Act), 1860," with respect to the sale of land, shall extend and be applicable in the case of any such grants under this Act, and the amount of any such rentcharge shall not be less than the best yearly rent that can be reasonably had or gotten for such right, easement, power, or privilege.

Limiting time for compulsory purchase of lands.

30. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for completion of sewers and other works.

31. The works authorised by this Act and delineated on the said plans shall be completed within seven years from the passing of this Act, and on the expiration of that period the powers hereby granted to the Corporation for executing the said works shall cease to be exercised, except as to so much thereof as shall then be completed.

Sewers crossing the intercepting sewers to be led into the intercepting sewers.

32. When the intercepting sewers or drains are completed and ready for use, the local authorities, as to all outfalls into the sea, or into any river or stream discharging itself into the sea, within their respective jurisdictions, and within the limits of this Act, and the Corporation as to all outfalls into the river Liffey, or other river or stream communicating with the sea, or into the sea itself, not within the jurisdiction of a local authority, shall alter all such outfalls then in existence in such manner as to adapt the same for storm-water outfalls only, and as to divert the sewage therefrom, as far as may be, into the intercepting sewers; and the Corporation shall lead into the intercepting sewers all sewers except the storm-water sewers which cross the line of the intercepting sewers, so that the same respectively shall discharge their sewage into the intercepting sewers, and shall, at their own expense, execute all necessary works for that purpose.

Prohibiting discharge of sewage into the river or sea.

33. After the construction or completion of the intercepting sewers it shall not be lawful for any local authority or other public body, board, or company, or for any private person or persons, to make or construct any sewer over, across, or under the intercepting sewers, or by means of any sewer, pipe, drain, or other contrivance, to cause or permit or suffer any sewage, chemical refuse, or other offensive matter to flow or pass or be cast from boats, ships, or vessels, or otherwise, directly or indirectly, into the estuary, bay, or sea, or into the river Liffey, or any stream or river discharging itself into the sea, or into any bay or estuary within the limits of the drainage area and of this Act, or of the Act for the regulation of municipal corporations in Ireland, or Act or Acts amending the same, from any lands, hereditaments, buildings, or other premises; but nothing herein contained shall be held or construed to prohibit the construction by the Corporation, or with their authority given in writing, at any time hereafter, of any storm-water sewers or outfalls which may be found necessary, or to prohibit any manufacturer who now discharges manufacturing or chemical refuse into the river Liffey, or into any of its tributaries, or into the river Tolka, or into any sewer, drain, or river discharging into the same, or into the bay of Dublin within the limits of this Act, from continuing to discharge such chemical refuse into the said rivers, tributaries, sewer, drain, or bay, so long as the same is not in the opinion of the city analyst for the time being prejudicial to the public health, and so long as permission for any such discharge is continued or granted in each case by the Dublin Port and Docks Board; and every local authority, public body, board, or company, person or persons, offending against this enactment shall for every such offence forfeit and pay to the

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Corporation a sum not exceeding fifty pounds, and a further sum not exceeding twenty pounds for every day such offence shall continue or be repeated after notice from the Corporation shall have been given to the party offending requiring him, her, or them to discontinue the offence, and such sums shall be recoverable, with full costs of suit, in any court of competent jurisdiction: Provided always, that it shall be lawful for the said Corporation to sue for a less penalty in any minor court in such case as to the said Corporation may seem fit: Provided always, that nothing in this section or in this Act contained shall in any way alter, prejudice, or restrict the powers of the Dublin Port and Docks Board with respect to any matters which may in their opinion be injurious to the works or property of the Port and Docks Board, or to the shipping, or to the river Liffey or tributaries thereof, or to the harbour or bay of Dublin, or with respect to any measures which the Port and Docks Board may deem necessary for the protection of such works, property, shipping, river, or tributaries as aforesaid, or of the harbour or bay of Dublin.

Corporation to destroy sewers, &c. constructed contrary to Act, and to recover expenses from parties constructing the same.

34. The Corporation or the Main Drainage Committee may and they are hereby authorised and required to stop up, remove, or destroy all sewers, pipes, drains, and other works which shall be constructed or laid down so as to cross under or over the intercepting sewers, or any of them, and whereby any sewage matter is conveyed or discharged into the sea, bay, estuary, or river, within the bounds or limits aforesaid, contrary to the provisions of this Act; and all costs and expenses incurred by the Corporation in and about such stopping up, removal, or destruction, with full costs of suit, may be recovered by the Corporation from the local or other authority, public board, body, company, or person or persons who shall have caused the same to be constructed or laid down, or who having the property in or power and control over the same, and having been by notice in writing from the Corporation or their Main Drainage Committee required to stop up, remove, or destroy the same, shall for a space of two weeks after the service or receipt of such notice refuse or neglect so to do; and the amount of such costs and expenses shall be in addition to any penalty which such local or other authority, public board, body, company, or person may have incurred under the provisions of this Act for causing or permitting or suffering sewage matter to pass or flow, directly or indirectly, by means of such sewer, pipe, drain, or other work, into the sea, bay, estuary, river, or stream, contrary to the provisions of this Act.

Existing outfall sewers

35. As soon as any existing outfall sewer has become unnecessary, in consequence of the construction of the works by this

Act authorised, the local authority within whose district the same shall be shall, at their own expense, remove so much thereof as is situate in, over, through, or across any tidal or other land, or tidal water, and restore the site thereof to its former condition; and if the local authority make default therein for a period of one month after the outfall sewer has become unnecessary, the eighteenth section of "The Railways Clauses Act, 1863," shall extend and be applicable to such outfall sewer as if the same had been constructed under the powers of this Act, and had been abandoned and suffered to fall into decay, and the word "Company" in that section shall mean the local authority in default; but this enactment shall not extend to any outfall sewer which will be retained as or converted into a storm-water sewer, so long as it shall be in use and be not suffered to fall into decay.

which will become unnecessary to be removed.

36. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of the Rathmines and Rathgar township, the Rathmines and Rathgar Improvement Commissioners shall complete all works within the said township necessary for conducting the sewage of the said township to two points; (that is to say), a point on the Swan river or Swanbrook on the Donnybrook Road, and a point where a portion of the sewage of the said township passes under the Grand Canal into the city sewer, west of Harold's Cross Bridge; and when a junction shall have been formed by the Corporation between the said works and the intercepting sewers by this Act authorised, the said commissioners may cause the sewage of the said township to flow and continue to flow into the said intercepting sewers at the two points herein-before mentioned.

Power to Rathmines and Rathgar Improvement Commissioners to use intercepting sewers.

37. When the intercepting sewers by this Act authorised have been constructed and are fit to receive the sewage of the Rathmines and Rathgar township, the Rathmines and Rathgar Improvement Commissioners, by way of contribution to the payment of the expenses of the execution of the said works, and incident thereto, and the keeping and maintaining the same in the manner and condition by this Act prescribed, shall make to the Corporation the payments following; (that is to say,)

Contributions by Rathmines and Rathgar township.

1. A payment of fifteen hundred pounds within three months after notice has been lodged at the office of the Rathmines and Rathgar Improvement Commissioners, by or on behalf of the Dublin Main Drainage Committee, to the effect that the junction between the works executed by the Rathmines and Rathgar Improvement Commissioners and the intercepting

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sewers by this Act authorised has been made by the Corporation:

2. An annual sum in perpetuity such as shall be equivalent to the sum which would be produced by a rate of fourpence in the pound, without deduction, on the valuation from time to time of the property in the Rathmines and Rathgar township, as valued under the Tenements Valuation Act (Ireland), or any Act or Acts amending the same; and such sum shall be paid in two equal half-yearly payments on the first day of January and first day of July in each year by the Rathmines and Rathgar Township Commissioners to the treasurer of the borough of Dublin for the time being, to the credit of the main drainage fund, the first of such half-yearly payments to be made on such of said days as shall next follow the service on the said commissioners by the said Corporation of notice of the completion of said intercepting sewers: Provided always, that in the case of the first of such half-yearly payments as aforesaid there shall only be payable and paid to the Corporation a proportionate sum corresponding with the interval of time to elapse between the receipt by the said commissioners of the said notice and the happening of the first of such gale days as aforesaid.

Arrears may be enforced by appointment of a receiver.

38. In case the Rathmines and Rathgar Improvement Commissioners shall not pay the said sum of one thousand five hundred pounds, or any such half-yearly payment as aforesaid, within three months after the same shall be due, the collector general of rates shall, when required so to do by the treasurer of the borough of Dublin for the time being, enforce payment of the same by the appointment of a receiver, and it shall be lawful for such receiver to apply to the Court of Queen's Bench in Ireland for a writ of mandamus to compel the said commissioners to make and cause to be levied within the Rathmines and Rathgar township, and paid over to the said treasurer, such rate or rates as they are authorised to make for the purposes of "The Sanitary Act, 1866," and the Nuisances Removal Acts, of such amount as shall be sufficient to make good any deficiency in the funds applicable to the payment of any such sum, and so from time to time; and the said court is hereby authorised, on cause duly shown, to order and direct such writ of mandamus to issue, and if and when the same shall be made peremptory the said commissioners shall and they are hereby authorised and required from time to time to make or cause to be levied such rate or rates of such amount, or as near thereto as may be, as shall be sufficient to pay the amount due, and the costs and expenses attending the recovery of the same.

Power to Pembroke Commissioners to form junction.

39. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of so much of the Pembroke township as is situate to the west and north-west of the river Dodder (in this Act referred to as "the Pembroke district"), the Pembroke Township Commissioners may form a junction with the intercepting sewer No. 6 at the commencement of the said sewer on the south-east side of the canal at the boundary of the Pembroke township, and may cause the sewage of the Pembroke district to flow and continue to flow into the said sewer No. 6 at the point of junction by this section authorised, such junction to be effected in such manner as may be reasonably approved of by the city engineer for the time being.

Contribution by Pembroke township.

40. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of the Pembroke district, the Pembroke Township Commissioners, by way of contribution to the payment of the expenses of the execution of the said works, and incident thereto, and the keeping and maintaining the same in the manner and condition by this Act prescribed, shall pay to the Corporation annually in perpetuity a sum equal to fourpence in the pound, without deduction, on the valuation of the said district, as valued under the Acts relating to the valuation of rateable property in Ireland (excluding, however, from such valuation that portion of the said township situate east and south-east of the river Dodder, which is to be wholly excluded from the operation of this Act); and such sum shall be paid in two equal half-yearly payments on the first day of January and first day of July in each year by the Pembroke Township Commissioners to the treasurer of the borough of Dublin for the time being, to the credit of the main drainage fund, the first of such half-yearly payments to be made on such of the said days as shall next follow the service on the said commissioners by the said Corporation of notice informing the said commissioners that the intercepting sewers and other works by this Act authorised to be made by the Corporation have been constructed and are fit to receive the sewage of the Pembroke district, and requiring the said commissioners to effect and form such junctions as aforesaid with said intercepting sewer No. 6 as aforesaid: Provided always, that in the case of the first of such half-yearly payments as aforesaid there shall only be payable and paid to the Corporation a proportionate sum corresponding with the interval of time to elapse between the receipt by the said commissioners of the said notice and the happening of the first of such gale days as aforesaid.

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Further contribution by Pembroke township towards pumping.

41. When the intercepting sewer and other works by this Act authorised have been constructed and are fit to receive the sewage of the Pembroke district, and notice to that effect has been given by the Corporation to the Pembroke Township Commissioners in manner aforesaid, the said commissioners, by way of contribution to the cost of pumping at Ballybough, shall pay to the Corporation annually in perpetuity a sum equal to one halfpenny in the pound, without deduction, on the valuation of the Pembroke district (to be ascertained in manner aforesaid, and excluding such portion of the township as aforesaid), upon the like days and with the like conditions which are in this Act contained with regard to the payment and recovery of the stipulated rate or sum of fourpence in the pound by the said commissioners.

Power to Clontarf Commissioners to form junction.

42. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of Clontarf township, the Corporation shall, at the request of the Clontarf Township Commissioners, form a junction or junctions with the intercepting sewers and other works at such point or points as may most conveniently secure an effectual outfall for all drainage from now existing sewers that may be intercepted by the works of the Corporation, and may cause the sewage of the Clontarf township to flow and continue to flow into the said sewers and works at the said point or points of junction: Provided that any junction which shall be necessary for the taking of the sewage from any sewers which may hereafter be formed by the Clontarf Township Commissioners shall be executed at the expense of the said commissioners.

Contribution by Clontarf township.

43. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of the Clontarf township, the Clontarf Township Commissioners, by way of contribution to the payment of the expenses of the execution of the said works, and incident thereto, and the keeping, maintaining, and using the same in the manner and condition by this Act prescribed, shall pay to the Corporation annually in perpetuity a sum equal to fourpence in the pound, without deduction, on the valuation of the said township, as valued under the Acts for the time being relating to the valuation of rateable property in Ireland, and such sum shall be paid in two equal half-yearly payments, on the first day of January and first day of July in each year, by the Clontarf Township Commissioners to the treasurer of the borough of Dublin for the time being, to the credit of the main drainage fund, the first of such half-yearly payments to be made

on such of the said days as shall next follow the service on the said commissioners by the said Corporation of notice informing the said commissioners that the intercepting sewers and other works by this Act authorised to be made by the Corporation have been constructed and are fit to receive the sewage of the Clontarf township, and that the Corporation are prepared to effect and form such junctions as aforesaid with said intercepting sewers: Provided always, that in the case of the first of such half-yearly payments as aforesaid there shall only be payable and paid to the Corporation a proportionate sum corresponding with the interval of time to elapse between the receipt by the said commissioners of the said notice and the happening of the first of such gale days as aforesaid.

As to works in Clontarf township.

44. The following provisions shall apply to the works to be executed by the Corporation under the powers of this Act in the township of Clontarf and the immediate neighbourhood thereof:

1. The pumping station shown on the deposited plans, as intended to be constructed at or near the junction of the intercepting sewer No. 2 with the intercepting sewer No. 1, at the commencement of the township of Clontarf, shall be removed as far as it conveniently can be from the Clontarf Road, and shall be of a reasonably ornamental elevation:
2. The intercepting sewer No. 1, within Clontarf township, and all works connected therewith, shall, notwithstanding anything shown on the deposited plans, be constructed on the sea side of the Clontarf Road, and shall not interfere with the roadway, but may be constructed in part under the southern footpath of the said road; and the sea wall which forms the southern boundary of the said road shall be taken down and rebuilt, and for ever after maintained by the Corporation:
3. Any ventilating shafts which may be required for the said sewer within Clontarf township shall be reasonably ornamental:
4. An effectual outfall shall be provided by the Corporation for any drainage of Clontarf township which may be intercepted by the works of the Corporation:
5. The reservoir at the North Bull shall be covered:
6. No solid deposit shall be removed from the sewers or reservoir excepting in an inoffensive manner:
7. The North Bull shall not be used for manufacturing sewage, or as a receptacle for sewage, unless with the consent of the owner and occupier of the land so to be used:

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8. There shall be provided in the said sea wall means of access of sufficient width for the passage of a cart from the Clontarf Road to the strand, as numerous and as convenient as those which exist at the time of the passing of this Act.

Power to New Kilmainham Commissioners to form junction.

45. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of the New Kilmainham township, the New Kilmainham Township Commissioners may form a junction with the intercepting sewer No. 2 at the termination of the said sewer at the boundary of the New Kilmainham township, and may cause the sewage of the New Kilmainham township to flow and continue to flow into the said sewer No. 2 at the point of junction by this section authorised, such junction to be effected in such manner as may be reasonably approved of by the city engineer for the time being.

Contribution by New Kilmainham township.

46. When the intercepting sewers and other works by this Act authorised have been constructed and are fit to receive the sewage of the New Kilmainham township, the New Kilmainham Township Commissioners, by way of contribution to the payment of the expenses of the execution of the said works, and incident thereto, and the keeping and maintaining the same in the manner and condition by this Act prescribed, shall pay to the Corporation annually in perpetuity a sum equal to fourpence in the pound, without deduction, on the valuation of the said township as valued under the Acts relating to the valuation of rateable property in Ireland, and such sum shall be paid in two equal half-yearly payments, on the first day of January and first day of July in each year, by the New Kilmainham Township Commissioners to the treasurer of the borough of Dublin for the time being, to the credit of the main drainage fund, the first of such half-yearly payments to be made on such of the said days as shall next follow the service on the said commissioners by the said Corporation of notice informing the said commissioners that the intercepting sewers and other works by this Act authorised to be made by the Corporation have been constructed and are fit to receive the sewage of the New Kilmainham township, and requiring the said commissioners to effect and form such junctions as aforesaid with said intercepting sewer No. 2 as aforesaid: Provided always, that in the case of the first of such half-yearly payments as aforesaid there shall only be payable and paid to the Corporation a proportionate sum corresponding with the interval of time to elapse between the receipt by the said commissioners of the said notice and the happening of the first of such gale days as aforesaid.

Further contribution by New Kilmainham township towards pumping.

47. When the intercepting sewer and other works by this Act authorised have been constructed and are fit to receive the sewage of the New Kilmainham township, and notice to that effect has been given by the Corporation to the New Kilmainham Township Commissioners in manner aforesaid, the said commissioners, by way of contribution to the cost of pumping at Ballybough, shall pay to the said Corporation annually in perpetuity a sum equal to one halfpenny in the pound, without deduction, on the valuation of the New Kilmainham township (to be ascertained in manner aforesaid), upon the like days and with the like conditions which are in this Act contained with regard to the payment and recovery of the stipulated rate or sum of fourpence in the pound by the said commissioners.

As to execution of necessary works in Rathmines and Rathgar, the Pembroke, and New Kilmainham townships.

48. The Rathmines and Rathgar Improvement Commissioners, the Pembroke Township Commissioners, and the New Kilmainham Township Commissioners shall respectively construct the sewers and all other necessary works connected therewith (save as to the junction and other works provided by the thirty-seventh section of this Act to be executed by the Corporation), for the purpose of conveying the sewage of the Rathmines and Rathgar township, and of the Pembroke district, and the New Kilmainham township, into the intercepting sewers by this Act authorised, when fitted to receive the same respectively; and in case any of the said commissioners shall be unable to carry out the said works without the authority of Parliament, and shall be obliged to make application in the next or following session of Parliament for an Act to empower them so to do, the Corporation and the Main Drainage Committee shall do all such acts consistently with the rights and powers of the Corporation as may facilitate the passing of any such Act.

Power to cause sewage from places beyond Rathmines and Rathgar, and Pembroke, Clontarf, and New Kilmainham townships to flow through township sewers.

49. When the Corporation have agreed to allow any sewage matter from places beyond the Rathmines and Rathgar township, and the Pembroke district, Clontarf township, and New Kilmainham township, to flow into any of the intercepting sewers by this Act authorised, the Rathmines and Rathgar Improvement Commissioners the Pembroke Township Commissioners, the Clontarf Township Commissioners, and the New Kilmainham Township Commissioners shall respectively suffer such sewage to pass into any sewers under their control which may have to be used for the passage of such sewage between the places aforesaid and the said intercepting sewers: Provided always, that the townships shall be indemnified by the Corporation from all costs and charges to which the Commissioners may respectively be put by reason of such passage, either in consequence of the formation of the necessary junctions, or of any enlargement of the sewers under their control, which enlarge-

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ments may be rendered necessary by, and shall be consequent upon, the admission of such sewage from places beyond the said townships respectively.

Arrears may be enforced by appointment of a receiver.

50. In case the commissioners of any or either of said townships of Pembroke, Clontarf, or New Kilmainham shall not pay any such half-yearly payment as aforesaid within three months after the same shall be due, the collector general of rates shall, when required so to do by the said treasurer, enforce payment of the same by the appointment of a receiver, and it shall be lawful for such receiver to apply to the Court of Queen's Bench in Ireland for a writ of mandamus to compel the said commissioners of the townships of Pembroke, Clontarf, or New Kilmainham to make and cause to be levied within the Pembroke district and said townships, or such of them as shall be in default, and paid over to the said treasurer, such rate or rates as they are authorised to make for the purposes of "The Sanitary Act, 1866," and the Nuisances Removal Acts, of such amount as shall be sufficient to make good any deficiency in the funds applicable to the payment of any such sum, and so from time to time; and the said court is hereby authorised, on cause duly shown, to order and direct such writ of mandamus to issue, and if and when the same shall be made peremptory the said commissioners shall and they are hereby authorised and required from time to time to make or cause to be levied such rate or rates of such amount, or as near thereto as may be, as shall be sufficient to pay the amount due, and the costs and expenses attending the recovery of the same.

Corporation may grant licenses to use sewers.

51. The Corporation shall from time to time grant to any local board, or other local or parochial authority for the time being in any adjoining township, or in any extra-municipal parish or district not being within a township, or to the owner, lessee, or occupiers of any dwelling-house or other building, or of any land upon which buildings are in course of erection, or which may at any time hereafter be erected in these townships or parishes, or any of them, and who shall be desirous to use the sewers by this Act authorised, or any of them, for the discharge of any sewage or refuse matter, license to use the said sewers accordingly, and the Corporation shall, at the expense of the board, authority, or person requiring the license, make the necessary openings and execute the necessary works in and about the said sewers for giving effect to such license; and the consideration for such grant may be a sum in gross or an annual rent or payment towards the maintenance of the whole, or, as the case may be, of such part of the said sewers as such bodies or persons shall respectively use, or otherwise, as the

parties agree; or if the parties do not agree with respect to any such matters, or with respect to the amount of consideration, the matter or matters in dispute shall be settled by an arbitrator to be appointed by the Board of Trade, on the requisition of either party, and the said Board are hereby authorised and empowered to nominate and appoint such arbitrator.

Corporation to be compensated for admitting sewage beyond the limits of local authorities.

52. The Corporation may, if so advised, be at liberty, but they shall not be bound, to admit into the intercepting sewers any sewage from places lying beyond the limits of the local authorities, unless the local or parochial board, body, or other person or persons desirous of making use of the intercepting sewers as an outfall for such sewage, shall pay to the Corporation compensation, either by a sum in gross or an annual payment for such use of the intercepting sewers, in addition to any compensation which they may be required to pay to any local authority or other body or person having the property in or control over any sewers which may have to be used for the passage of such sewage between the places aforesaid and the intercepting sewers, the nature and amount of compensation, in case of dispute, to be settled by arbitration, as in manner provided by the next preceding section for settling cases of disputed consideration for the grant of the license for the use of intercepting sewers.

Owners or occupiers beyond limits of local authority not to use sewers unless by agreement previously entered into.

53. Notwithstanding the provisions of "The Public Health Act, 1848," no owner or occupier of premises adjoining or near to, but beyond the limits of, any local authority making use of the intercepting sewers, or any of them, shall cause any sewer or drain of or from such premises to communicate with any sewer of the local authority of any such district, by means whereof the sewage of such outlying premises may be brought into the intercepting sewers, or any of them, unless such owner or occupier shall have previously entered into an agreement with the Corporation for the admission of the sewage from the said premises into the intercepting sewers, and for the payment to the Corporation of compensation, either by a sum in gross or an annual payment, for such use of the intercepting sewers as provided in the next preceding section of this Act.

No sewage from outlying places to pass into intercepting sewers, except, &c., until compensation settled.

54. Except as may be expressly provided in and by any agreement or award which may be entered into or made under this Act, no sewage shall be allowed to pass, directly or indirectly, into the intercepting sewers, or any of them, by virtue of such agreement or award, other than and except such as arises upon the premises to which the agreement or award refers.

General powers of Corporation

55. Subject to the provisions of this Act, the Corporation may, in or upon any land which they may acquire under the powers of this

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with respect to the disposal of the sewage.

Act, or any lands which they may purchase by agreement or hold on lease, construct any buildings, machinery, and apparatus for preparing or converting sewage into manure, or into any saleable product, and may, by the adoption of such process or processes as they from time to time think fit, prepare and convert the same accordingly, and may sell and dispose of the manure and products, and until the sale and disposal thereof may store the same in proper depôts or places upon such land: Provided, however, that nothing in this Act shall exonerate the Corporation, or any person or persons, company or body corporate, acting under their authority pursuant to the provisions of this Act, from any indictment, action, or other proceeding for nuisance or damage, in the event of any nuisance or damage being caused by them.

Penalty for opening or injuring sewers.

56. Every person who, without the license of the Corporation, shall make any opening into any of the sewers by this Act authorised, or who shall destroy or injure any of the said sewers, or any of the works of the Corporation, shall for every such offence be liable to a penalty not exceeding fifty pounds, over and above the damage occasioned by the act; and the amount of such penalty and damage shall be recoverable, with full costs of suit, in any court of competent jurisdiction, and when recovered shall be placed to the account or credit of the "Dublin main drainage fund."

Chemical refuse and other injurious matter not to be thrown into sewers.

57. It shall not be lawful for any body corporate, company, or person to throw, or to permit or suffer to be thrown, or to pass into any of the intercepting sewers, any refuse matter from chemical works, or other substance which would be injurious to the construction of the sewers, or produce corrosion or decay in the material thereof, or produce or generate poisonous or pernicious gases, or other products; and every body corporate, company, or person offending against this enactment shall for every such offence forfeit and pay to the Corporation a sum not exceeding fifty pounds, to be recoverable by the Corporation, with full costs of suit, in any court of competent jurisdiction, but this enactment shall not be construed to extend to fæcal matter.

Recital of rating powers.

58. Whereas by the combined operation of the following Acts; that is to say, the Act of the 3rd and 4th of Victoria, chapter 108, intituled "An Act for the regulation of municipal corporations in "Ireland," "The Sanitary Act, 1866," and Acts incorporated therewith, and the said "Liffey Act, 1870," the said town council are empowered to pay all expenses incurred by them in the execution of the said works, and incident thereto, and to repay all moneys advanced under the authority of the said Liffey Act, 1870, as

herein-before mentioned, out of the borough fund of the said borough of Dublin, or if that fund be insufficient for the purpose, by levying such borough rate or rates as shall be sufficient for that purpose: And whereas the said borough fund is wholly insufficient for that purpose, or for the purpose of keeping or maintaining the said works as herein-before mentioned, and it is expedient to simplify and facilitate the levying of such borough rate or rates for the purposes aforesaid: Be it therefore enacted, that every such borough rate may be made as follows; that is to say,

Powers to levy a special borough rate in lieu of and by way of the extra borough rate authorised by the Sanitary and Nuisance Removal Amendment Acts.

59. The Corporation shall, on or before the tenth day of December one thousand eight hundred and seventy-one, and on or before the tenth day of December in each succeeding year, estimate and ascertain as nearly as may be the amount of such sum or sums of money as they shall find necessary for the purpose of paying the expenses of the execution of the said works, or incidental thereto, or for the purpose of repaying the moneys advanced under the said Liffey Act, 1870, as aforesaid, or for the purpose of keeping or maintaining the said works as herein-before mentioned, or for any other the purposes of this Act; and the Corporation shall certify under their common seal such estimate, and transmit the same to the collector general, together with all necessary information to enable him to applot, collect, and levy the same, and the same may be called the "main drainage rate;" and the collector general shall, under and subject to the provisions of this Act, and he is hereby empowered and required to applot, collect, and levy the same in his own name upon all persons and property liable to the payment of the borough rate in the said borough, under the said Act of the 3rd and 4th Victoria, chapter 108, in like manner as he is authorised to applot and levy any other rate under the provisions of the Act passed in the session of Parliament held in the 12th and 13th years of the reign of Her present Majesty, chapter 91, intituled "An Act for the "collection of rates in the city of Dublin:" Provided always, that no greater amount shall at any time be levied for the purposes of this Act, and the works to be constructed by authority thereof, than will be sufficient to pay the annual interest and sinking fund on the amount authorised to be advanced by the Public Works Loan Commissioners for the execution of such works by the said Liffey Act, 1870, or on so much of the said sum of three hundred and fifty thousand pounds as may be requisite for the execution of the said works, and the purposes to which the said loan may be applicable under the said Liffey Act or this Act, together with the annual costs or expenses of maintaining such works in proper and sufficient order, repair, and condition.

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Rating of railways and canals.

60. For the purpose of any rate to be made or levied under the provisions of this Act or of any Act incorporated herewith, all lands covered with water and used as a canal, and any towing-path to the same, and all lands used as or for the purposes of a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed and liable in the proportion of one fourth part only of the net annual value of such lands respectively.

Collector general to collect all rates, rents, and remunerations under this Act, and to place the same to the credit of main drainage rate or fund.

61. All other moneys paid into the hands of the collector general, or of the treasurer of the Corporation, by the local authorities, or other body corporate, company, or person or persons in the outlying or adjacent townships or districts, for or in respect of any special contract, or any sewer rights, powers, or privileges under this or the said recited Acts, shall also form part of and be placed to the credit or account of the "main drainage rate or fund;" and, subject to the provisions of this Act, the collector general of rates for the time being is hereby authorised and required to collect the same, and any and all rates, rents, and remunerations of any kind arising or accruing to the Corporation under and by virtue of this Act, on being furnished with a list or rental of same by the Corporation, and when collected the collector general is to place the same to the like credit or account; but no contract made with any local authority, body, company, or person or persons as aforesaid, need be under the seal of the Corporation, or other party or parties thereto.

Corporation to make estimate and deliver precept to collector general.

62. The Corporation shall, on or before the tenth day of December one thousand eight hundred and seventy-one, and on or before the tenth day of December in every succeeding year, and in every subsequent year after the passing of this Act, make their said estimate and deliver their said precept for the levy and collection of the special borough rate, together with such list or rental as is hereinbefore specified in reference to the contract rate, or other rates, rents, or remunerations payable to or receivable by them under the provisions of this Act, to the collector general, so as to enable him to make all necessary arrangements for the publication, levy, and collection of the same, at the same time and by the same process as he is authorised and required to collect the improvement and other rates under the powers and provisions of the Collection of Rates Act.

All rates under this Act to be liable to the same regulations

63. The main drainage rate, and all arrears thereof, shall become payable as nearly as may be at the same times, and be advertised and collected, subject to the same regulations and in like manner, and by the same persons, and with the same powers, duties, and authorities for levying or collecting the same, and lodging and re-

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as rates collected under the Collection of Rates Act.

publishing accounts, as in the said Act of the twelfth and thirteenth years of the reign of Her Majesty, cap. 91, directed with reference to the advertising, payment, collection, lodgment, and publication of the accounts, and shall be subject to the like incidents of and with any other rate mentioned in the said last-mentioned Act; and the provisions of the said last-mentioned Act, and every Act amending the same, as to applotting, levying, and collecting rates, and to making and returning an account of the same, and all arrears thereof, or otherwise applicable to the subject matter of this Act, save so far as such provisions, or any of them, are or is modified by or inconsistent with this Act, shall be taken to be incorporated with and form part of this Act: Provided always, that in case of any special contract made after the passing of this Act with any local or other authority, body, company, or person or persons, outside the limits of the borough, for and in respect of any sewer or sewers, or sewer rights, of or belonging to such local or other authority, body, company, or person or persons, or for or in relation to such outlying or extra-municipal district or districts as herein-before mentioned, it shall and may be lawful for the Corporation to make the sum or sums, rents or rates, to be receivable under such contract or contracts, payable in bulk, or at such time or times as may be agreed on between the Corporation and the authority or authorities, body corporate, or company, or person or persons with whom such contracts shall be so made, and such sum or sums, rent or rate, shall and may be collected and levied by the collector general in manner herein-before mentioned at any time after the same shall become due and payable, anything in the said last-mentioned Act or in this Act to the contrary notwithstanding.

Power to the Corporation to borrow money on mortgage of rates and lands.

64. Whereas, under the provisions of the said Liffey Act, 1870, the Public Works Loan Commissioners are empowered to advance to the Corporation upon the security of the rate or fund out of which expenses incurred by the Corporation, as the sewer and nuisance authority within the city of Dublin under the Sanitary Act, 1866, may be defrayed, any sum or sums of money not exceeding in the whole the sum of three hundred and fifty thousand pounds, to be applied by the Corporation in the execution of the said works, and incident thereto: Therefore the Corporation may from time to time borrow from the said Public Works Loan Commissioners at the rate of interest, and repayable in manner specified in said recited Act, any sum or sums of money not exceeding in the whole the sum of three hundred and fifty thousand pounds, and may secure the same by mortgage of the said works by this Act authorised, and of all lands and property for the time being of the Corporation under

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this Act, and also upon the security of the said main drainage rate, and all contributory rates, rents, and moneys coming to them under the provisions of this Act.

Clauses of 10 & 11 Vict. c. 16. to be incorporated with this Act, and to be applicable to borrowing of moneys on mortgage.

65. For the purposes of borrowing on mortgage, all the clauses of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the commissioners (except section eighty-four), shall, so far as the same are not modified by or inconsistent with the provisions of this Act, be incorporated with and form part of this Act, and shall be applicable to the borrowing of such sum or sums of money as aforesaid by the Corporation, and shall be read and construed as if the words "the Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin," or "the Corporation," "the town clerk," and "the town clerk's office," had been inserted therein instead of the words "the commissioners," "the clerk to the commissioners," and "the offices of the commissioners," respectively.

Powers of re-borrowing moneys.

66. The Corporation may, if necessary, from time to time re-borrow such sum or sums of money as they shall have repaid to the said Public Works Loan Commissioners, in discharge of principal of any sums borrowed by them as provided by the said Liffey Act, 1870, and so from time to time, in like manner, may again re-borrow such sums, when paid off, as occasion may require; and the provision of the said Liffey Act, 1870, as to enforcing payment of the sums borrowed under the said Act, shall apply to the enforcing payment and recovery of the sums so borrowed in like manner as if they were contained in this Act, except so far as the principal has been reduced by payments on account.

Expenses of carrying Act into execution to be borne by the local authorities in certain proportions.

67. The local authorities, save as in this Act specially provided, shall respectively contribute to the payment of the expenses of the execution of the said works, and incident thereto, and the keeping and maintaining the same as herein-before mentioned, in such proportions as may be agreed upon between them and the Corporation; and if any dispute or difference shall arise between the Corporation and any one or more of the said local authorities in the ascertainment of such proportion or proportions, the same shall be settled by arbitration in manner provided by this Act.

Moneys payable by local authority to be deemed expenses for carrying into effect Sanitary Acts.

68. All moneys from time to time payable by any local authority for their proportion or proportions of such expenses shall be deemed to be expenses incurred by such local authority in carrying into effect the said Sanitary Act, 1866, and the Nuisance Removal Acts, and shall be raised and levied accordingly.

Corporation to keep certain accounts.

69. The Corporation shall keep all such accounts as may from time to time be deemed necessary for elucidating all monetary transactions of the Corporation in carrying the provisions of this Act into effect, and especially shall keep the following accounts; that is to say,

1. A sewers account, which shall show the sums from time to time expended by the Corporation in and about the construction of the sewers, and which are properly chargeable to capital account, and all sums received on mortgage under the powers of this Act:
2. A general account, which shall show the sums from time to time expended by the Corporation and not properly chargeable to capital account, and all sums received from the local authorities as aforesaid, or otherwise, from the districts beyond the borough:
3. A separate account with such local authority, showing the proportions of receipts and disbursements affecting the interests of such local authority:

And all such separate accounts of such local authorities shall be open at all reasonable times to the inspection of any person or persons appointed by any local authority for such purpose.

Accounts to be made up, balanced, and audited in like manner as the other accounts of the Corporation.

70. The accounts shall be made up, balanced, and audited at the same times and in the same manner as the other cash accounts of the Corporation, and a balance sheet showing the financial state of the Corporation in respect of such works and sewers, and the total amount of their receipts, expenditure, credits, debts, and liabilities in respect thereof, shall also be made out at such times and in such manner.

Saving rights of Dublin Port, &c. Board.

71. Excepting as by this Act is expressly enacted, nothing contained in this Act or in the deposited plans and sections shall take away, prejudice, or diminish any rights, privileges, power, or authority vested in or exercised by the Dublin Port and Docks Board, or shall authorise any interference with the works of the said Board or the port of Dublin, as defined in "The Dublin Port and Docks Act, 1869."

Saving rights of Earl of Meath.

72. No works by this Act authorised shall be constructed within the district known as the Earl of Meath's Liberty so as in any way to prejudice, injure, or affect the rights, powers, or privileges of the Right Honourable the Earl of Meath within the said district.

Saving rights of the Crown.

73. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Corporation to take, use, or in any manner interfere with any lands or hereditaments, or any rights of

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whatsoever description belonging to the Queen's most Excellent Majesty in right of her crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Lands Revenues, or either of them, without the consent in writing of the said commissioners, or one of them, on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown on the foreshore.

74. Nothing contained in this Act, or any of the Acts herein referred to, shall authorise the Corporation to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

As to portion of Pembroke township not drained by Corporation works.

75. Nothing in this Act contained shall in anywise limit or prevent, or be construed to limit or prevent, the Pembroke Township Commissioners from exercising any rights which before the passing of this Act they possessed for draining any portion of their said township (other than the Pembroke district) in such manner as they may find expedient after the passing of this Act: Provided always, that it shall not be lawful for the said commissioners to drain any portion whatever of their township into the river Dodder or into the river Liffey, after the completion of the intercepting sewers and other works by this Act authorised, and after the said commissioners have commenced to make payments or contributions to the Corporation in respect of those works, in manner herein-before provided.

Limited rating and liability of townships.

76. Nothing in this Act contained shall subject or expose the Rathmines and Rathgar township, or the Pembroke district, or the Clontarf township, or the New Kilmainham township, or any of them, to any greater or other rating, contribution, liability, claim, demand, or responsibility whatsoever in relation to the works by this Act authorised, or to the maintenance thereof from time to time, or

generally in relation thereto, than is by this Act expressly stipulated and provided.

Saving rights of way.

77. Except as in this Act is otherwise expressly provided, nothing in this Act contained shall take away, diminish, alter, or prejudicially affect any of the estates, rights, powers, privileges, or authorities of or for the time being belonging to the Rathmines and Rathgar Improvement Commissioners, or to the Pembroke Township Commissioners, or the Clontarf Township Commissioners, or the New Kilmainham Township Commissioners, or any of them, under any Acts relating to those townships respectively, or otherwise howsoever, or shall take away, lessen, or prejudice any estate, right, privilege, power, or authority, of whatsoever nature, now vested in or exercise-able by the lord of the manor of Clontarf.

Saving rights of Midland Company.

78. Except only as by this Act expressly provided, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the estates, rights, interests, powers, privileges, and authorities of or belonging to or vested in the Midland Company.

Alteration of gas pipes, &c.

79. In case it shall be necessary for the Corporation, for the purpose of constructing the works by this Act authorised, to raise, sink, or otherwise alter in any road or street the position of any mains, pipes, or other works belonging to the Alliance and Dublin Consumers Gas Company (herein referred to as "the Alliance Company"), and used for supplying gas, the same shall be done with as little detriment and inconvenience to the Alliance Company, and to any houses or persons supplied with gas by means of such mains, pipes, or other works, as the circumstances will permit; and all works relating to or involving interference with such mains, pipes, or other works as aforesaid shall be executed at the cost of the Corporation, and to the reasonable satisfaction in all things of the Alliance Company or their engineer, if they or he think fit to attend after receiving not less than forty-eight hours notice from the Corporation or their proper officer.

As to disturbance of pipes by Corporation.

80. It shall not be lawful for the Corporation in executing any of the works by this Act authorised to remove or displace any of the mains, pipes, or other distributory works belonging to the Alliance Company, or to do anything to interrupt or impede the supply of gas into or through such mains, pipes, or other distributory works, until good and sufficient arrangements be made at the expense of the Corporation for carrying on the supply of gas to the reasonable satisfaction of the engineer of the Alliance Company.

Corporation to make good all damage.

81. The Corporation shall repair and make good all damage done to the property of the Alliance Company by the disturbance thereof

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occasioned by the construction of the works authorised by this Act, to the reasonable satisfaction of the engineer of the Alliance Company.

When works cross the mains, protection to be made.

82. If it shall be necessary to construct any of the works by this Act authorised over any mains of the Alliance Company, the Corporation shall at their own expense construct and maintain reasonable protection from injury to the mains of the Company to the reasonable satisfaction of their engineer.

Indemnity for obstructing supply of gas.

83. If the Corporation, or any of their contractors, agents, officers, workmen, or servants, or any person in the employment of them, or that of any of them, shall, in the execution of any of the works of this Act authorised, interrupt the supply of gas supplied by the Alliance Company, the Corporation shall make good any loss occasioned thereby to the said Company, the amount to be determined by arbitration.

As to arbitration of disputes with Alliance Company.

84. If any dispute or controversy shall arise or happen between the Alliance Company and the Corporation touching or concerning the true meaning or construction of this Act, or any of the provisions thereof, the same shall stand and be referred to arbitration pursuant to and in accordance with the provisions of "The Railway Companies Arbitration Act, 1859," as if the Company and the Corporation were two railway companies.

Saving rights of Alliance Company.

85. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, and privileges hitherto vested in and possessed by the Alliance and Dublin Consumers Gas Company, herein called the Company.

Costs incident to the passing of this Act, how to be paid.

86. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of the Act, or otherwise in relation thereto, shall be paid in the first instance by the Corporation out of the first moneys which shall come to their hands under the provisions of this Act.

SCHEDULE.

An Agreement dated the thirteenth day of May one thousand eight hundred and seventy-one, between the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin (who are herein-after referred to as "the Corporation") of the one part, and the Dublin Port and Docks Board (who are herein-after referred to as "the Board") of the other part.

Whereas the Corporation are applying to Parliament for an Act, and are with that view promoting in the House of Commons "A Bill to extend the "powers of the Lord Mayor, aldermen, and burgesses of Dublin, for the "purification of the river Liffey, and the main drainage of the said city;" and they seek powers by the said Bill to interfere with bridges and other works belonging to the Board, and to construct main sewers and other works on the foreshore of the harbour of Dublin, and in connexion with the North Bull Wall, which belongs to the Board, and to construct a reservoir or "sewage receiver," also in connexion with the said North Bull Wall, and to discharge the sewage collected in their intercepting sewer and in the said reservoir into the harbour of Dublin at or near the extremity of the said North Bull Wall; and in pursuance of the standing orders of Parliament, plans and sections of the works proposed by the Bill have been deposited in the offices of the clerks of the peace for the county of Dublin and county of the city of Dublin respectively, and the said plans and sections are in the said Bill and are herein-after referred to as the deposited plans and sections:

And whereas the works proposed by the said Bill are deemed by the Board injurious to the quays, sea walls, and bridges belonging to them, and as calculated to interfere with the navigation and to impair the usefulness of the port of Dublin, and the Board object likewise to the method of disposing of the sewage of Dublin, and they have presented to the House of Commons a petition under their common seal, objecting on the foregoing and other grounds to the said Bill:

And whereas the Corporation, with a view of removing the objections of the Board, and in consideration of the withdrawing of the said petition, have agreed to the modification herein-after contained in the said Bill, and the parties hereto have, in consideration of the stipulations herein-after contained, for themselves and their successors, contracted and agreed, and do hereby contract and agree, that, notwithstanding anything contained in the deposited plans and sections, the works to be executed by the Bill, and the powers to be exercised

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by the Corporation, by virtue of the said Bill becoming an Act of Parliament, shall be executed and exercised only according to the following stipulations; namely,

1. The highest part of the syphons to convey the sewerage under the Liffey at or near Carlisle Bridge shall not be less than six feet under Ordnance datum in the centre of the channel, and four feet at the sides.

2. The limit of deviation of Essex Bridge shall not exceed sixteen feet from the quay walls for permanent works at each end of the bridge, and the new quay walls shall slope from this off to nothing, at distances to be agreed on between the parties hereto east and west of the bridge.

3. The Corporation shall not enclose for the purposes of their pumping station, or any other purpose connected with the main drainage works, more than five acres of the strand between the North Strand Road, the Clontarf Road, and the Dublin and Drogheda Railway.

4. The limit of deviation from the pumping station, along the Clontarf Road, to where the sewer leaves the road, near Crab Lake, shall be reduced to fifty feet south of the rampart wall along the said road.

5. A syphon shall be constructed in place of the aqueduct shown on the plans at Crab Lake, and the highest part of the syphon shall be but four feet above the Ordnance datum for a length of not less than five hundred feet, so as to allow the same breadth of waterway over it as at the timber bridge on the North Bull Wall.

6. The limit of deviation after the sewer leaves the Clontarf Road, and where it crosses Crab Lake, shall be reduced to fifty feet on each side of the line of works shown on the deposited plans, and no part of the North Bull Wall shall, without the consent of the Board, be interfered with by the works, unless so far as is necessary where the sewer is proposed to cross it, near the two thousand feet distance stone.

7. The south wall of the receiving reservoir proposed to be constructed on the North Bull Wall, as also the outfall sewer and pipes, or any other part of the works, after crossing the North Bull Wall, shall not, without the consent of the Board, be built or laid nearer than fifty feet from the butt of the North Bull Wall, or in any way to interfere with the structure of the said wall.

8. No part of the harbour south of the North Bull Wall, and no part of the North Bull Wall, shall be used for the purposes of the sewage works, unless where the main sewer will pass across Crab Lake and the North Bull Wall, as before described, except where such user may be necessary for conveying materials, or giving access to the works during construction, alteration, or repair; and the Corporation shall during such user repair and maintain the said wall during the progress of the said works, where interfered with thereby, and leave it when the works, alterations, or repairs are completed in as good a condition as it was at the commencement of their said works, at their own proper cost, and to the reasonable satisfaction of the said Board.

9. The valves, sluices, or penstocks to be used for discharging into the sea liquid sewage collected in the reservoirs shall not be opened or allowed to be open so as to discharge such sewage into the sea, unless from one hour after high water to one hour before low water, except in case of accidents or for the purpose of averting accidents or injury threatened to the works by storm water or other cause, or other temporary derangement of the reservoir or works, or with the consent of the Board.

10. The deposit that may accumulate in the reservoir, or any of the sewers, shall not be flushed out into the river, harbour, or bay, but shall be removed by mechanical means, it being an express object and intention of this agreement and of the parties hereto to prevent all solid matter or deposit from being discharged into the harbour, river, or bay.

11. Previously to commencing any works under the powers of the proposed Act immediately affecting the works or property of the Board, or the river Liffey, or the harbour of Dublin, or the docks of the Board, or the accesses thereto, the Corporation shall submit plans, sections, and specifications of such works to the Board for their approval, and the said works shall be executed only in conformity with such approval; provided that if the Board shall not intimate their approval or disapproval within one month after the said documents shall be submitted to them, the Corporation may proceed to execute the said works.

12. Any differences which may arise from time to time between the parties hereto concerning the meaning of this agreement shall be settled by an arbitrator, to be appointed by common accord between the parties, or if they cannot agree upon an arbitrator, then by an arbitrator to be appointed on the application of either party by the Board of Trade; and the provisions of the "Railways Clauses Consolidation Act, 1845," with respect to settlement of disputes by arbitration, shall apply to every such arbitration; provided that the arbitrator may from time to time make awards concerning portions only of the matters referred to him, and may also make such awards to extend over periods specified therein, and direct that the matters referred to him shall be again considered at the expiration of such periods.

13. Before executing any of the powers of the proposed Act immediately affecting the works or property of the Board, or the river Liffey, or the harbour of Dublin, or the docks of the Board, or the accesses thereto, the Corporation shall deposit with the clerks of the peace for the county of Dublin and the county of the city of Dublin copies of the deposited plans and sections showing the alterations herein-before agreed on, and such amended plans and sections shall, for the purposes of carrying into effect this agreement, be deemed to be "the deposited plans and sections."

14. This agreement shall be confirmed by and be annexed by way of schedule to the said Bill.

15. In consideration of the foregoing stipulations, the Board will not oppose the passing of the said Bill in either House of Parliament, and will not appear upon the petition to the House of Commons, deposited as aforesaid by them, excepting in support of this agreement and for the confirmation thereof, and will not petition the House of Lords with relation to the said Bill, excepting for

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the maintenance of the said agreement, and the amendments in the said Bill consequent thereon.

In witness whereof, the parties hereto have hereunto affixed their respective corporate seals, on the day and year first above written.

Sealed and delivered by the Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin, and the Dublin Port and Docks Board, the words "such user repair and maintain the said wall during" being first interlined on the third page.

W. J. Henry,
Town Clerk.

Seal of the Corporation of Dublin.

Joseph Kirwan,
Assistant to Messrs. Joseph Hone & Son,
Solicitors,
No. 5, Foster Place,
Dublin.

Seal of the Dublin Port and Docks Board.

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