or done before the making of any Order in Council under this Act, shall be and the same are hereby declared to be valid and effectual and binding upon all parties.

Definitions. 5 & 6 Vict. c. 94.

5. In this Act,—

The term "the Secretary of State for the War Department" has the same meaning as in the Defence Act, 1842, and the Acts amending the same.

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom.

The term "the Treasury" means the Commissioners of Her Majesty's Treasury.

The term "the Commissioners of Woods" means the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them.

Short title.

6. This Act may be cited as "The Alderney Harbour (Transfer) Act, 1874."

CHAPTER 93.

An Act to amend the Law relating to Public Health in Ireland.

[7th August 1874.]

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:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Public Health (Ireland) Act, 1874.

Sanitary Authorities.

Urban and rural sanitary districts.

2. From and after the passing of this Act Ireland shall be divided into sanitary districts to be called respectively—

(1.) Urban sanitary districts; and

(2.) Rural sanitary districts;

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned.

Description of urban sanitary districts and urban sanitary authorities.

3. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

Table above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
The City of Dublin - - - - - - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns corporate, with exception of Dublin - - - - -	The Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of "cities and towns corporate and market towns in Ireland in certain "cases."	The Commissioners.

Urban Sanitary District.	Urban Sanitary Authority.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners.
Towns or townships having Commissioners under Local Acts - -	The Town or Township Commissioners.

Description of rural sanitary districts and rural sanitary authorities.

4. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the guardians of the union shall, as such, be the rural sanitary authority of such district, subject to the following conditions; that is to say,

(1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority:

(2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district:

(3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

Power to alter sanitary districts.

5. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, the population of which according to the then last Parliamentary census exceeds six thousand, and to constitute it an urban sanitary district, or to include it in any adjoining urban sanitary district, subject as such to all the provisions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township hereby constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except upon petition from such town, township, or district, in accordance with the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," with respect to the incorporation with or separation from any town of any district: Provided always, that the said provisions shall for such purposes be read as if the expression "sanitary authority" were therein substituted for the expression "governing body;" nor shall any such provisional order take effect until confirmed by Parliament in manner prescribed by the said provisions.

First meeting of sanitary authority.

6. The first meeting of a sanitary authority under this Act shall be held within sixty days after the passing of this Act, on such day as may be directed by order of the Local Government Board in each case.

Powers and duties of sanitary authority.

7. Subject to the provisions of this Act, except as herein-after is excepted, and from and after the day appointed for the first meeting of a sanitary authority in pursuance of this

Act, there shall be transferred and attach to such sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, right, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Artisans and Labourers Dwellings Act, and the Bakehouse Regulation Act, as the said Acts are respectively varied or amended by any Act or any local Act or any provisional order in force within such district, or by and to any of the said authorities under any of such Acts as aforesaid: Provided always, that in any urban sanitary district the urban sanitary authority shall, subject to the provisions of this Act, continue to act in execution of any Act or local Act or provisional order in force within such district immediately before the passing of this Act, and in the execution of which at such time the body by this Act constituted such urban authority was acting; and provided further, that in any rural sanitary district there shall be transferred and attach to the rural sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, rights, duties, capacities, liabilities, and obligations with respect to sanitary matters under any Act, local Act, or provisional order in force within such district, or any part of the same, immediately before the passing of this Act; but, save as aforesaid, such Act, local Act, or provisional order shall continue in full force and effect, and shall be carried into execution by the same authority and in the same manner in every respect as if this Act had not been passed. If any question arises as to what are sanitary matters within the meaning of this section, or as to any matter or thing affected by this section, the determination of the Local Government Board on any such question shall be conclusive.

Where the Baths and Washhouses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any sanitary authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exerciseable by or attached to the council, town commissioners, or other commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Washhouses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts, and where the Labouring Classes Lodging Houses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts.

Powers relating to the treatment of disease vested in board of guardians of the union in which the sanitary authority is situate.

8. Under the provisions of the Diseases Prevention Act the execution of all powers relating to the treatment of disease, and the establishment and maintenance of hospitals, the conveyance of the sick, the disinfection of clothes or dwellings, and the interment of the dead, created by the said Act or any other Act, or arising out of any order of the Local Government Board, shall vest exclusively in the board of guardians of the union in which the district of the sanitary authority is situate, and the expenses so incurred shall be charged on the poor rates as expenses arising under the Poor Law Acts or the Medical Charities Act, as the case may be.

Transfer of property to sanitary authority, and effect of transfer of property and powers.

9. From and after the day appointed for the first meeting of the sanitary authority of a sanitary district, in pursuance of this Act, all such property, real and personal, including all interest, easements, and rights in, to, and out of property, real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in, any authority whose powers, rights, duties, capacities, liabilities, and obligations are transferred to the sanitary authority shall, so far as such property is applicable to and for the purposes of any such powers, rights, duties, liabilities, capacities, or obligations, pass to and vest in the sanitary authority, subject to all debts, liabilities, and obligations exclusively affecting the property so transferred; and where any debts, liabilities, or obligations affect such property together with other property, then subject only to such part of such debts, liabilities, and obligations as shall bear to the whole amount of such debts, liabilities, and obligations the proportion which the property so transferred bears to the whole property affected by such debts, liabilities, and obligations.

All debts, liabilities, and obligations subject to which any such property has been transferred, or which previously to such transfer were incurred by the authority whose powers, rights, duties, liabilities, capacities, and obligations are so transferred in the exercise of such powers and rights, or in the discharge of such duties, or by reason of such liabilities and obligations, may be enforced against the sanitary authority to the same extent and in the same manner as they might have been enforced against the authority from which such transfer has taken place; and such last-mentioned authority shall be deemed to be discharged from such debts, liabilities, and obligations.

All property by this section transferred to a sanitary authority shall be held by it upon trust for the district or several places respectively within its jurisdiction to which such property belonged, or for the benefit of which such property was held previously to its transfer.

Sanitary officers and superintendent officers of health.

10. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government Board; and the said Board shall assign to the dispensary medical officers, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of pure water, in the making or repairing of sewers and drains, or in generally superintending the execution of the sanitary laws within the district.

Every such salary or additional salary so determined or approved shall be payable from such local fund as the Local Government Board shall indicate as properly chargeable therewith, and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament; and the Local Government Board shall have the same powers with regard to the qualification, appointment, duties, regulation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district: Provided, with regard to salaries or additional salaries, whereof any portion is to be recouped to any local fund from moneys voted by Parliament, the amount of any new salary, and the proportion between any existing salary and the addition thereto, shall be regulated according to a scale to be approved by the Commissioners of Her Majesty's Treasury.

Powers of inspectors of Local Government Board.

11. Inspectors of the Local Government Board may attend any meetings of sanitary authorities, or of committees of sanitary authorities, during the transaction of business arising under any of the provisions of the Sanitary Acts; and such inspectors shall, for the purposes of any inquiry directed by the said Local Government Board, in relation to witnesses and their examination, the production of papers and accounts, the inspection of places and matters required to be inspected, have for the purposes of the Sanitary Acts or Burial Grounds Acts or any of the said Acts similar powers to those which inspectors have under the Poor Law Acts and under the Medical Charities Act for the purposes of those Acts.

Expenses of urban sanitary authority.

12. All expenses incurred or payable by an urban sanitary authority under the Sanitary Acts shall, notwithstanding anything in the said Acts or any of them to the contrary, be defrayed as follows; that is to say,

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

(2.) In the case of an urban sanitary authority being commissioners under any of the Acts specified in the first column of the table contained in section three or of any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district:

Provided that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewering, or

other sanitary purposes, all expenses incurred by such authority in the performance of its duties under the Sanitary Acts shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable: Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by a provisional order, alter the incidence of such charge in respect of the whole or some of the expenditure referred to, as to them shall appear to be fair and equitable.

Expenses of rural sanitary authority.

13. The expenses incurred by a rural sanitary authority under the Sanitary Acts shall be divided into general expenses and special expenses.

General expenses, other than those chargeable upon owners and occupiers under the Sanitary Acts, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Gevernment Board to be special expenses.

Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under the Sanitary Acts for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places; and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

Ten or more ratepayers, or any number of persons liable to be rated to one fifth part of the whole rate, of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may, after due inquiry, make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof in manner herein-after mentioned.

Special expenses shall be a separate charge on some contributory place or places.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

(1.) The dispensary district:
(2.) The electoral division:
(3.) The townland:

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act.

Mode of raising contributions in rural sanitary district.

14. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of guardians, being the rural sanitary authority, shall levy the same by a special poundage rate, to be added to the poor rate on such contributory places, and to be collected therewith by the collectors of the poor rate, and lodged to the credit of the guardians with the treasurer of the union; and the expenditure thereof shall be brought to account in such form and manner as the Local

Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively.

Compulsory powers to purchase land for hospitals.

15. Every sanitary authority being a port nuisance authority under the provisions of an Act passed in the thirty-seventh year of Her Majesty, entitled "An Act to amend "the Sanitary Act, 1866, so far as the same relates to the nuisance authorities of ports "in Ireland," shall, with the consent in writing of the Local Government Board, be empowered to purchase, hire, or erect any building either within or without the district of such sanitary authority for the purpose of an hospital for the reception and treatment of persons affected by dangerous contagious disease, or to purchase land either within or without such district for the purpose of erecting the same, and for these purposes the Lands Clauses Acts are incorporated herewith: Provided always, that for the purposes of such incorporation the terms "special Act" and "promoters of the undertaking" in the Lands Clauses Acts shall be construed to mean respectively the consent in writing of the Local Government Board, and any sanitary authority being such a port nuisance authority as aforesaid.

Incorporation of certain provisions of Lands Clauses Consolidation Act with Burial Grounds Act.

16. Whereas by the Burial Grounds (Ireland) Act, 1856, section eighteen, it is provided that the Lands Clauses Consolidation Act, 1845, excepting, among other provisions, the provisions of that Act "with respect to the purchase and taking of lands otherwise "than by agreement," shall be incorporated with the said Act, and it is expedient that those provisions of the Lands Clauses Acts should be incorporated with the said Burial Grounds Act: Be it enacted, that from and after the passing of this Act the provisions of the Lands Clauses Acts "with respect to the purchase and taking of "lands otherwise than by agreement" shall be incorporated with the said Acts, and they are hereby incorporated therewith.

Provided always, that before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement, any burial board shall do all acts, matters, and things, and proceed in manner prescribed by section four of the Local Government (Ireland) Act, 1871, in like manner in every respect as if such burial board were a governing body desiring to put the said provisions of the Lands Clauses Acts in force; and for such purposes the said section four is incorporated herewith, and for the purposes of such incorporation the terms "governing body" and "chief secretary" in the said section shall be construed to mean respectively "burial board" and "Local Government Board."

Justice not incapable to act in cases under Burial Grounds Acts by being member of burial board or liable to rate.

17. No justice of the peace shall be deemed incapable of acting as such in cases under the Burial Grounds Acts, by reason of his being a member of any body thereby declared to be the burial board to execute the said Acts, or by reason of his being a contributor or liable to contribute to any rate or fund out of which it is by the said Acts provided that all charges and expenses incurred in the execution of the said Acts, and not recovered as thereby provided, shall be defrayed.

Inquiries by board under 19 & 20 Vict. c. 98.

18. When and so often as representation with reference to a burial ground or burials shall have been made to the Local Government Board under the fifth section of the Burial Grounds (Ireland) Act, 1856, and the Local Government Board (Ireland) Act, 1872, inquiry may be directed by the Local Government Board in the place or district referred to therein, or otherwise, as may be thought fit, as to the genuineness of such representation and in respect of the several matters relating thereto, after notice shall have been given as provided by said Act, and of the time, place, and subject of the inquiry; and it shall be lawful for one of the inspectors of the said Board, or other person appointed in that behalf by the Board to hold such inquiry; and for the purposes of such and all other inquiries which the said Board shall see fit to direct, the several inspectors, or other persons appointed by the Board, shall have all and every the powers and authorities vested in or conferred on poor law inspectors by the nineteenth section of the Act of the

tenth and eleventh years of the reign of Her present Majesty, chapter ninety; and upon receipt of the report of such inspector or other person as to the result of such inquiry, and of the evidence taken thereon, it shall be lawful for the said Board to take the same and the matter of such representation into consideration, and to make such order in relation thereto as to them may seem meet.

The twentieth section of the Act of the tenth and eleventh years of the reign of Her present Majesty, chapter ninety, is hereby incorporated with this section.

Union of Districts.

Formation of united district.

19. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or any of them, or any parts thereof, or of any contributory places in any rural sanitary district or districts, to be formed into a united district for all or any of the purposes following; that is to say,

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or

(3.) For any other purposes of the Sanitary Acts or Burial Grounds Acts, or of any of the said Acts,

the said Local Government Board may, by provisional order, form such districts or contributory places into a united district.

Mode of forming united district.

20. The following enactments shall take effect in relation to making a provisional order forming a united district; that is to say,

(1.) Notice of the provisional order shall be published in some newspaper circulating in the district to which it relates, and in such other manner as the Local Government Board may direct;

(2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act:

(3.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

Governing body of united district.

21. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancy or vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

No member of a joint board by being party to or executing in his capacity of member any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceed-

ings or damages it may incur in the exercise of the powers granted to it: Provided that nothing in this section shall exempt any member of a joint board from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such joint board, and which such member authorised or joined in authorising.

Regulation as to constitution of joint board.

22. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities liabilities, and obligations under the Sanitary Acts which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

Expenses incurred by joint board, how to be defrayed.

23. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

A joint board may borrow and take up at interest on the credit of such common fund any sums of money necessary for defraying any such expenses, subject to the regulations of the Local Government (Ireland) Act, 1871, with respect to borrowing under that Act, as the same are amended by this Act.

Payment of contributions to joint board.

24. For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution in the case of a rural sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

Use of sewer of subjacent district for outfall of district above it.

25. A sanitary authority unto whose district the district of another sanitary authority is subjacent may, by agreement with the last-mentioned authority and with the sanction of the Local Government Board given on the application of the first-named authority, after public inquiry, if the said Local Government Board think such inquiry necessary, cause the sewers of its district to communicate for the purpose of outfall with the sewers of the subjacent district, and for the purpose of reception, disinfection, distribution, and disposal of the sewage of such first-named authority by the authority of the subjacent district, or for all, any, or either of those purposes, upon such terms as to payment or otherwise, in such manner as to making and maintaining the outfall, and with and subject to such conditions, precautions, and restrictions as shall be agreed upon between the sanitary authorities, or in case of dispute shall be settled by the Local Government

Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the higher into the sewers of the subjacent district, and that the sewage of other districts or places shall not be permitted by the sanitary authority of the higher district to pass into their sewers so as to be discharged through such outfall into the sewers of the subjacent district without the consent of such last-mentioned district; and all expenses incurred in pursuance of this section by the said sanitary authorities, or either of them, shall be deemed to be expenses incurred by them respectively in performance of their duties under the Sanitary Acts, and be respectively payable accordingly out of the rates out of which such expenses are by this Act made payable, or out of moneys duly borrowed on the credit of such rates.

Repeal of Acts.

Repeal of Local Acts.

26. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order wholly or partially repeal, alter, or amend any Local Acts, other than Acts for the conservancy of rivers, in force in such district, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit, which relate to the same subject matters as the Sanitary Acts, and may in like manner extend the provisions of any such Local Act beyond the boundaries of the district comprised therein, or diminish the area to which any such Local Act shall apply.

Provisions as to the Acquisition of Property, &c.

Extension of Lands Clauses Acts to easements and rights.

27. Subject to the provisions of this Act, the powers of the Lands Clauses Acts may, where the same may be put in force with respect to the taking of land under the Sanitary Acts, be applied to all easements and rights in, over, under, or upon land, whether situated within or without the district of the sanitary authority.

Power to purchase water mills, dams, and weirs.

28. Subject to the provisions of this Act and of the Sanitary Acts, any sanitary authority may buy up any water mill, dam, or weir which interferes with the proper drainage of or the supply of water to its district, and may, for the purpose of supplying its district with water for drinking and domestic purposes, purchase either within or without its district any land covered with water, or any water or right to take or convey water; and for the purpose of buying up any of the properties aforesaid, the Lands Clauses Acts shall be incorporated with this section: Provided always, that before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement for the purposes aforesaid, a sanitary authority shall do all acts, matters, and things, and proceed in manner prescribed by section four of the Local Government (Ireland) Act, 1871, in like manner in every respect as would be necessary in the case of a governing body desiring to put the said provisions of the Lands Clauses Acts in force; and for such purposes the said section four is incorporated herewith, and for the purposes of such incorporation the terms "governing body" and "chief secretary" in the said section shall be construed to mean respectively "sanitary authority" and "Local Government Board."

Act not to affect navigation of rivers or canals.
Saving as to rights.

29. Nothing in this Act contained shall enable any sanitary authority to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any such river or canal, or to injuriously affect the supply, quality, or fall of water contained in any reservoir or stream, or any feeders of such reservoir or stream, belonging to or supplying any waterwork established by Act of Parliament, or in cases where any company or individual are entitled for their own benefit to the use of such reservoir or stream, or to the supply of water contained in such feeders, without the consent in writing of the company or corporation in whom such waterworks may be vested, or of the parties so entitled to the use of such reservoirs, streams, and feeders, and also of the owners thereof in cases where the owners and parties so entitled are not the same person.

30. The notices which, by the fourth section of the Local Government (Ireland) Act, 1871, are required to be given in the months of November and December, may be given in the months of September and October, or of October and November, but no inquiry preliminary to the provisional order to which such notices refer shall be held in either of such two last-mentioned cases until the expiration of one month from the end of the second of the two months in which the notices are given.

Notices to owners and occupiers may be given in other months than November and December.

31. Any urban sanitary authority not heretofore empowered to do so, may let temporarily or for a term of years, with the consent of the Local Government Board, any land or premises which they may possess, as and when they can conveniently spare the same.

Urban sanitary authority may let land or premises.

Miscellaneous.

32. If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act or of any provisional order made under the authority of this Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

Compensation to officers in certain cases.

33. Where in any Local Acts the consent, sanction, or confirmation of the Lord Lieutenant, the chief secretary of the Lord Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the authorities above named.

As to consent of Local Government Board required in certain cases.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts.

The powers vested in or exercisable by one of Her Majesty's Principal Secretaries of State under the Markets and Fairs Clauses Act, 1847, so far as the same relate to Ireland, are hereby transferred to the Local Government Board, and may in Ireland be exercised by the Local Government Board.

The approval of the Local Government Board, and not that of the Lord Lieutenant, shall be required for the appointment and removal of analysts under the Act of the session of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter eighty-four, as amended by the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her Majesty, chapter seventy-four.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

34. It shall be lawful for the Lord Lieutenant, by Order in Council, at any time before the first day of January one thousand eight hundred and seventy-five, to direct that the powers and duties of the Board of Trade under the "Alkali Act, 1863," and any Act amending the same, shall be transferred to the Local Government Board; and from and after the date of such order, or if no such order shall be made then from and after the said first day of January one thousand eight hundred and seventy-five, the powers and duties of the Board of Trade under the said Acts shall be transferred to and be exerciseable and performed in Ireland by the Local Government Board; and "the Local Government Board for Ireland" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, to Local Government Board.

35. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of this Act, upon the passing of this

Settlement of differences arising out of transfer of

powers or property to sanitary authority.

Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Expenses of police officer acting under 29 & 30 Vict. c. 90. s. 16. provided for.

36. Where, under the directions of the Local Government Board, the chief officer of police in any place institutes proceedings under the sixteenth section of the Sanitary Act, 1866, he shall be entitled to recover from the sanitary authority in default all such expenses in and about such proceedings as he may incur, and as shall not be paid by the party proceeded against: Provided always, that in the construction of the said Act as amended hereby, the term chief officer of police shall mean in any place within the police district of Dublin Metropolis, either of the commissioners of police for the said district, and in any place elsewhere the sub-inspector of the Royal Irish Constabulary in whose district such place is situate.

Order against a defaulting sanitary authority may be enforced by mandamus.

37. When the Local Government Board shall have at any time made any order under the forty-ninth section of the Sanitary Act, 1866, limiting the time for the performance by any sanitary authority of its duty, such order may be enforced by writ of mandamus, notwithstanding the provision in the said section contained for the performance of the duty in the event of the continued default of the sanitary authority.

Payments to members of sanitary authority as counsel illegal.

38. Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant.

Duty of urban authority to cleanse streets, privies, and ashpits.

39. Every urban sanitary authority shall, when the Local Government Board by order so direct, make due provision for the proper cleansing of streets which such authority is obliged to maintain and repair, the removal of house refuse from premises, and the cleansing of earth closets, privies, ashpits, and cesspools within its district.

Penalty on neglect of sanitary authority to cleanse privies or ashpits.

If any sanitary authority having made such provision fail, without reasonable excuse, after notice in writing from the occupier of any house situated in such district requiring such authority to remove any house refuse, or to cleanse any earth closet, privy, cesspool, or ashpit belonging to such house, or used by the inmates or occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall on summary conviction be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period of seven days.

Power of raising money on credit of rates.

40. Any sanitary authority may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts.

An urban sanitary authority may borrow and take up at interest such money on the credit of all or any rates or rate out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes, and may mortgage any such rate or

rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if intended to be applied to purposes constituting the special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall, so far as the same are not inconsistent with the provisions of this Act, be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean any authority authorised to borrow by this Act; "the clerk of the commissioners" shall include any officer appointed for the purpose by any such authority.

The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

Power of raising money on credit of sewage land and plant.

41. Where any sanitary authority or joint board is possessed of any land, works, or other property in pursuance and for the purposes of the Sewage Utilization Act, 1867, such authority or joint board may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if such sanitary authority or joint board were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under the Sanitary Acts; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority or joint board by the Sanitary Acts. The sanitary authority or joint board may pay out of any rates leviable by it for sanitary purposes the interest on any moneys borrowed by such authority or joint board in pursuance of this section.

Limit of rating under Local Acts not to apply to expenses for sanitary purposes.

42. Any limit imposed on or in respect of any rate by any Local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

Commissioners of Public Works in Ireland may lend to sanitary authority on security of rates.

43. The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the recommendation of the Local Government Board, make any loan to any sanitary authority, for such objects as the Commissioners of Her Majesty's Treasury may deem to be sanitary improvements, in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed; such loan to be repaid within a period not exceeding thirty or fifty years as provided by those Acts, and to bear interest at the rate of three and a half per centum per annum or such other rates as may, in the judgment of the said Commissioners, be necessary in order to enable the loan to be made without loss to the Exchequer, on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security.

Provided as follows:

(1.) That in determining the time when a loan under this section shall be repayable the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:

(2.) That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts the Commissioners of Public

Works in Ireland may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum:

(3.) That this section shall not extend to any loan under "The Sanitary Loans Act, 1869," required for the purpose of defraying the expenses incurred or to be incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of this Act.

Amendment of s. 60 of 17 & 18 Vict. c. 103.

44. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of two shillings in the pound.

Amendment of 34 & 35 Vict. c. 109. regarding loans.

45. The twenty-eighth section of the Local Government (Ireland) Act, 1871, shall extend to re-borrowing for the purpose of discharging previous loans, as well as to original loans, and be amended so that the following provision shall be substituted for that contained in the paragraph No. 3.; namely,

The money so borrowed shall not at any time exceed, with the balances of all the outstanding loans of the sanitary authority under the Sanitary Acts, in the whole, twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed, and the time for which the money may be borrowed shall not exceed sixty years, instead of thirty years as in the said section is declared:

Provided that where the proposed loan with such balances would exceed the net annual value of such premises the Local Government Board shall not give their sanction to the loan until a local inquiry shall have been held by one of their inspectors, and his report of the result of such inquiry shall have been received by them:

Provided also, that where a loan is effected to pay off an existing loan, the time for repayment shall not extend beyond the unexpired term of the period for which the original loan was contracted, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original borrowing.

The sixth section of the Local Government (Ireland) Act, 1871, and the eighth section of the Local Government Board (Ireland) Act, 1872, are hereby repealed, except so far as the same may apply to any proceedings commenced, but not completed at the passing of this Act.

Confirmation of provisional orders by Parliament.

46. The Local Government Board shall not make any provisional order under this Act unless public notice shall have been previously given by advertisement in two successive weeks in some newspaper published or circulating in the district to which such provisional order relates, and after hearing any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, until it has made, by one of its inspectors, a local inquiry of which public notice has been given and at which all persons interested have been permitted to attend and make objections.

The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such provisional order shall be of no force whatever unless and until it is confirmed by Parliament. If while the Bill confirming such order is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioners shall be allowed to appear and oppose as in the case of a Bill for a special Act.

Any Act confirming any provisional order issued in pursuance of the Sanitary Acts, or any of them, may be repealed, altered, or amended by any provisional order made by the Local Government Board and duly confirmed by Parliament. The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

Costs of provisional orders.

47. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of the Sanitary Acts, or any of such Acts, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for sanitary purposes by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board the sanitary authority may contract a loan for the purpose of defraying such costs.

Orders of the Local Government Board, how to be published.

48. Every order of the Local Government Board under the Sanitary Acts (unless otherwise prescribed by the said Acts) shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

Audit of accounts.

49. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board shall appoint for the purpose. An auditor shall, with respect to the accounts of sanitary authorities under this section, have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

Fourteen days notice of any audit under the said Acts or this Act shall be sufficient, anything in any Act to the contrary notwithstanding.

Sanitary authority may order destruction of infectious bedding, &c.

50. Every sanitary authority shall have power to direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and to give compensation for the same.

Regulations as to lodgings in every sanitary district.

51. The Local Government Board may, at its discretion, by notice to be published in the Dublin Gazette, declare the enactment contained in section thirty-five of the Sanitary Act, 1866, to be in force in the district of any sanitary authority, notwithstanding the restrictions in the said section contained; and from and after the publication of such notice the sanitary authority named therein shall be empowered to make regulations in respect of the matters in that section mentioned, but such regulations shall not be of any validity unless and until they are confirmed by the Local Government Board.

Regulations made under the said section may extend to ventilation of rooms, paving and drainage of premises, and to notices to be given and precautions to be taken in case of any infectious or contagious disease.

Notices of common lodging houses and slaughter-house to be affixed on premises.

52. The keeper of every common lodging house which is registered under the Common Lodging Houses Acts, and the owner or occupier of every slaughter-house causing the same to be licensed or registered, as the case may be, under the Sanitary Acts, shall, when required to do so by the sanitary authority registering or licensing the same, cause a notice with the words "Registered Lodging House," or "Licensed or Registered Slaughter-house," as the case may be, to be affixed on some conspicuous place on the outside of the premises where the same can be seen by any inspector or officer of the sanitary authority.

Such notice shall be affixed within one month after the registration or license, as the case may be, and shall be continued undefaced and legible so long as the premises are used for the purpose.

Every person who shall make default in this respect, or shall neglect or refuse to affix or renew such notice after requisition in writing from the sanitary authority, shall be

liable to a penalty not exceeding five pounds for every offence, and of ten shillings for every day that the neglect shall continue after conviction.

Provision for polluted water in wells and pumps.

53. If it shall be represented to any sanitary authority that within their district the water in any well, public or private, or supplied from any public pump, is so polluted as to be injurious to health, such authority may apply to any justices having jurisdiction within their district, in petty sessions assembled, for an order to remedy the same, and thereupon such justices shall summon the person occupying the premises to which the well belongs, if it be private, and, as regards any public well or pump, such person (if any) as shall be alleged in the application to be interested in the same, and shall either dismiss the application or make such an order in the case, by directing the well or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or providing otherwise, as shall appear to them to be requisite to prevent injury to the health of persons drinking the water.

For the purposes of such inquiry, the said justices may cause the water to be analysed at the cost of the sanitary authority applying.

And all the expenses incurred by such authority in and about the procuring of this order, and in carrying it into execution, shall be charged upon the funds applicable to their general expenditure, but, in the case of a rural sanitary authority, shall be deemed to be special expenses within the meaning of the Sanitary Acts.

Provided that where the order is made in respect of any private well, any person aggrieved thereby may appeal against the same in the manner provided by the ninety-third section of the Towns Improvement (Ireland) Act, 1854, and with the same incidents and consequences.

Where the justices dismiss the application, they may, if they think fit, award such costs to the person summoned as to them shall appear to be reasonable.

Hospital when to be deemed within district.

54. For the purposes of the twenty-sixth section of the Sanitary Act, 1866, every hospital or place for the reception of the sick which shall be declared by an order of the Local Government Board to be situated within a convenient distance of the district of any sanitary authority for the purposes of that section shall be deemed to be within the district of such sanitary authority.

Where a justice shall make an order under that section for the removal of a sick person to a hospital or other place, he shall address it to such police or other officer as he shall consider expedient; and every person wilfully disobeying the order, or obstructing the execution of the same, shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding ten pounds.

Extension of right of complaint under Nuisances Removal Acts (1873).

55. The right of complaint given by the thirteenth section of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter seventy-seven, shall extend to nuisances in any place, whether on private or public premises, and may be exercised by any inhabitant in such place, or any owner of premises situated therein, or any other person aggrieved or injuriously affected thereby.

The provisions of the Nuisances Removal Act for England (Amendment) Act, 1863, to extend to milk.

56. The second section of the Nuisances Removal Act for England (Amendment) Act, 1863, shall extend to milk in the same manner as if the word "milk" had been introduced after the word "flour" wherever the word "flour" occurs in the said section; and the justice who, under the said section, is empowered to convict the offender therein described may be other than the justice who may have ordered the article to be disposed of or destroyed.

Warrant may be granted by a justice to search for unsound food.

57. On complaint made by a medical officer of health or by any inspector or other officer of a sanitary authority upon oath, any justice may grant a warrant to any such officer to enter any building or part of a building or other place in which the complainant has reasonable ground for believing that any animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, or milk, intended for sale for the food of man, which is so diseased, unsound, or unwholesome as to be unfit for the food of man, is kept or concealed, and to search for, seize, and carry away any such animal, carcase, meat, poultry, game, fish, fruit, vegetables, corn, bread, flour, or milk, in order to have the same dealt

with in manner provided by law; and any person obstructing any such officer in performance of any duty under this section shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Justices may make an order for the vaccination of any child under 14 years.

58. If any registrar, or any officer appointed by the guardians to enforce the provisions of the Acts relating to vaccination in Ireland, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or district for which the informant acts, has not been successfully vaccinated, and that he has given notice to the father or mother of the said child, or to the person having the care, nurture, or custody of such child, to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such father or mother or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings.

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

Penalty on false representations with respect to infectious disease.

59. If any owner or occupier or person employed to let for hire, or to show for the purposes of letting for hire, any house or part of a house, when questioned by any person negociating for the hire of such house or part of a house as to the fact of there being in such house, or having within three months previously been therein, any person suffering from an infectious, contagious, or epidemic disease, knowingly makes a false answer to such question, the person so answering falsely shall be guilty of an offence punishable on summary conviction, and, at the discretion of the justices having cognizance of the case, be liable to be imprisoned, with or without hard labour, for a period not exceeding one month, or to pay a penalty not exceeding twenty pounds.

Penalty on breach of rules made under sect. 52 of 29 & 30 Vict. c. 90.

60. Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any rule, order, or regulation made by the Local Government Board under section fifty-two of the Sanitary Act, 1866, shall be guilty of an offence punishable on summary conviction, and be liable to a penalty not exceeding fifty pounds.

Legal Proceedings.

Legal position of sanitary authority.

61. Subject to the provisions of this Act, every sanitary authority shall, as respects the service of notices in pursuance of the Sanitary Acts by or on behalf of or on such authority, and as respects all legal proceedings, matters, and things to be taken or done in pursuance of the Sanitary Acts by or on behalf of or to such authority, stand in the same position in all respects in which previously to the passing of this Act, any authority stood whose powers, rights, duties, capacities, liabilities, and obligations are transferred to such authority; and for the purposes of this section a joint board shall be deemed to be a sanitary authority.

Notices how to be signed.

62. Every notice required to be given on behalf of a sanitary authority shall be deemed to be sufficient on their behalf, if it be written or printed, and purports to be signed by the clerk or acting clerk of such authority.

Powers given by this Act to be cumulative.

63. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act, local Act, provisional order, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Recovery of penalties.

64. Any penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin Metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district, and with respect to other parts of Ireland before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same; and all such penalties, when recovered by or on behalf or at the instance of any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts; and save as aforesaid, all such penalties shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

Appointments under 35 & 36 Vict. c. 69. exempt from stamp duty.

65. Whereas by an Act passed in the second year of Her Majesty, entitled "An Act "for the more effectual relief of the destitute poor in Ireland," it was enacted that no instrument made in pursuance of that Act nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor or in the management or collection of the poor rate shall be charged or chargeable with any stamp duty whatever, and it is expedient to extend such exemptions from stamp duty to instruments and to appointments made in pursuance of the provisions of the Local Government Board (Ireland) Act, 1872: Be it enacted, that no instrument made in pursuance of the provisions of the said last-mentioned Act, and no appointment which has been or shall hereafter be made of any paid officer engaged in the administration of the provisions thereof, shall be charged or chargeable with any stamp duty whatever.

Definitions.

Definitions.

66. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

"Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland," and any Act amending the same:

"Local Government Board" means the Local Government Board for Ireland:

"Person" includes any body of persons, whether corporate or unincorporate:

"Labouring Classes Lodging Houses Acts" means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866); 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867):

"Artisans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130 (Artisans and Labourers Dwellings Act, 1868):

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863):

"Diseases Prevention Act" means 18 & 19 Vict c. 116 (Diseases Prevention Act, 1855), as amended by 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases): as the same are amended and extended to Ireland by 29 & 30 Vict. c. 90:

"Baths and Washhouses Acts" means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and washhouses):

"Burial Grounds Acts" means the Burial Grounds (Ireland) Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76:

"Common Lodging Houses Acts" means 14 & 15 Vict. c. 28 (Common Lodging Houses Act 1851); 16 & 17 Vict. c. 41 (Common Lodging Houses Act, 1853) as amended by 23 Vict. c. 26:

"Sewage Utilization Acts" means 28 & 29 Vict. c. 75 (The Sewage Utilization Act, 1865); 29 & 30 Vict. c. 90 (The Sanitary Act, 1866); 30 & 31 Vict. c. 113 (The Sewage Utilization Act, 1867); and 31 & 32 Vict. c. 115 (The Sanitary Act,

1868); and 32 & 33 Vict. c. 100 (The Sanitary Loans Act, 1869) as applied to Ireland by 34 & 35 Vict. c. 109. and 35 & 36 Vict. c. 69.

"Nuisances Removal Acts" means 18 & 19 Vict. c. 121 (The Nuisances Removal Act for England, 1855); 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases); 26 & 27 Vict. c. 117 (The Nuisances Removal Act for England (Amendment) Act, 1863); 29 & 30 Vict. c. 41 (The Nuisances Removal Act (No. 1), 1866); 29 & 30 Vict. c. 90 (The Sanitary Act, 1866) as amended by 32 & 33 Vict. c. 108; and the Sanitary Act, 1868, asapplied to Ireland by 34 & 35 Vict. c. 109, and 35 & 36 Vict. c. 69:

"Sanitary Acts" means all the above-mentioned Acts and this Act, and includes any amendments of such Acts, and with respect to any urban sanitary district, includes any Act, local Act, or provisional order relating to the same subject matters as the above-mentioned Acts in force within such district:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Sanitary authority" means either "urban or rural sanitary authority:"

"Lands Clauses Acts" means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act:

"Poor Law Acts" means 1 & 2 Vict. c. 56, and the Acts amending the same:

"Medical Charities Acts" means 14 & 15 Vict. c. 68, and the Acts amending the same.

CHAPTER 94.

An Act to amend the Law relating to Land Rights and Conveyancing, and to facilitate the Transfer of Land, in Scotland. [7th August 1874.]

WHEREAS it is expedient to amend the law relating to land rights and conveyancing, and to facilitate the transfer of land, in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Conveyancing (Scotland) Act, 1874."

Commencement of Act.

2. This Act shall, except where otherwise provided, come into operation on the first day of October one thousand eight hundred and seventy-four, which date is herein-after referred to as the commencement of this Act.

Interpretation.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them; that is to say,

"Land" or "lands" shall include all subjects of heritable property which are or may be held of a superior according to feudal tenure, or which prior to the commencement of this Act have been or might have been held by burgage tenure, or by tenure of booking:

"Estate in land" shall mean any interest in land, whether in fee, liferent, or security, and whether beneficial or in trust, or any real burden on land, and shall include an estate of superiority:

"Superior" shall include the Crown, the Prince and Steward of Scotland, and all subject superiors, and shall also include mid-superiors; "superiority" shall include mid-superiority:

"Conveyance" and "deed" and "instrument" shall each have the meaning attached thereto by "The Titles to Land Consolidation (Scotland) Act, 1868," and "The Titles to Land Consolidation (Scotland) Amendment Act, 1869," and shall also, when used in this Act, include all the deeds, instruments, decrees, petitions, and