CHAPTER lxxxii.

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An Act to authorise the construction by a Board specially constituted of Outfall and other Sewers for the township of Rathmines and Rathgar and the Pembroke Township, in the county of Dublin; to release those townships from the provisions of "The Dublin Main Drainage and Purification of Liffey Act, 1871," and of "The Sanitary Law (Dublin) Amendment Acts, 1870 to 1875;" to confer certain additional powers upon the Township Commissioners within their respective townships; to alter the Date of Election of Commissioners in the Rathmines and Rathgar Township; and for other purposes. [12th July 1877.]

10 & 11 Vict. c. cclii. 25 & 26 Vict. c. xxv. 29 & 30 Vict. c. xii.

WHEREAS by "The Rathmines Improvement Act, 1847," (as amended by "The Rathmines and Rathgar Improvement Act, 1862," and by "The Rathmines, Rathgar, and Saint Catherine's Improvement Act, 1866,") the township of Rathmines and Rathgar, in the county of Dublin, was constituted, and under the provisions of those Acts and of the Public Health Acts (as herein-after defined) the said township is regulated and governed:

26 & 27 Vict. c. lxxii.

And whereas by "The Pembroke Township Act, 1863," the Pembroke Township, in the county of Dublin, was constituted, and under the provisions of that Act and of the said Public Health Acts the said township is regulated and governed:

And whereas the Rathmines and Rathgar Improvement Commissioners and the Pembroke Township Commissioners (herein-after collectively referred to as "the Township Commissioners") are within their respective townships the urban sanitary authority acting in execution of the Public Health Acts:

And whereas the Rathmines and Rathgar Township and the Pembroke Township (herein-after referred to as "the townships") are large, populous, and improving districts, and in each case the

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population and number of buildings have of late years greatly increased, and are still increasing:

And whereas the Township Commissioners in each case have expended large sums in perfecting the drainage of their respective districts and in conducting the sewage into the Swan river or sewer, which passes through the townships and flows into the River Dodder, the waters of which ultimately fall into or unite with the navigable River Liffey:

33 & 34 Vict. c. 106. (*Pub.*)

And whereas in the session of Parliament held in the thirty-third and thirty-fourth years of the reign of Her present Majesty a Public General Act was passed, intituled "An Act to amend the Sanitary "Act, 1866, so far as relates to the city of Dublin" (which Act is herein-after referred to as "the Act of 1870"), and by that Act the Public Works Loan Commissioners were empowered to advance to the town council of the city of Dublin, upon the security of the rate or fund out of which expenses incurred by the town council as the sewer and nuisance authority within the said city under the Sanitary Act, 1866, might be defrayed, any sum or sums not exceeding in the whole three hundred and fifty thousand pounds, to be applied by the town council in the execution of the works necessary for the purpose of purifying the River Liffey and completing the main drainage of the city of Dublin:

34 & 35 Vict. c. cxxviii.

And whereas by "The Dublin Main Drainage and Purification of Liffey Act, 1871," (herein-after referred to as "The Dublin Main Drainage Act, 1871,") it was recited that for the purpose of effecting the purification of the River Liffey and for perfecting the main drainage of the city it was necessary that the works contemplated by the Act of 1870 should be speedily undertaken and completed:

And whereas representations were made to the Township Commissioners, by or on behalf of the town council of the city of Dublin, with regard to the sufficiency of the estimate of three hundred and fifty thousand pounds for the said works, and otherwise in relation to the said works, and thereupon the Township Commissioners (subject, however, to the limitations contained in sections 76 and 77 of the Dublin Main Drainage Act, 1871) agreed that the sewage of the townships or parts thereof should be led into the intercepting sewers authorised by that Act, and that certain rates in respect of such intercepting sewers when made should be paid by the townships respectively to the town council or corporation of Dublin; but no provision was by the Dublin Main Drainage Act, 1871, made for the drainage of that portion of the Pembroke Township situate

east and south-east of the River Dodder, which was wholly excluded from the operation of that Act:

And whereas by divers sections of the Dublin Main Drainage Act, 1871 (and particularly by sections 58 to 66 inclusive), the powers and provisions of the Act of 1870 were made applicable to the works thus authorised, and the moneys to be paid by the Township Commissioners, and all contributory rates, rents, and moneys coming to the corporation under the said Act of 1871, were included in the main drainage rate or fund forming the security for the advance of the three hundred and fifty thousand pounds under the Act of 1870:

And whereas by the Dublin Main Drainage Act, 1871 (section 30), the powers of the corporation for the compulsory purchase of land were not to be exercised after the expiration of five years, and (section 31) the works authorised were to be completed within seven years from the passing of that Act:

And whereas the corporation, having by themselves or by the Main Drainage Committee constituted by the Dublin Main Drainage Act, 1871, advertised for tenders for the execution of the works authorised by that Act, received in the year 1874 a number of applications varying in the amounts named therein, but all largely exceeding the sum of three hundred and fifty thousand pounds, and it thereupon became evident that the original estimate of three hundred and fifty thousand pounds was insufficient:

And whereas in the session of Parliament held in the thirty-eighth and thirty-ninth years of the reign of Her present Majesty a Public General Act (herein-after referred to as "the Act of 1875") was passed, intituled "An Act to amend an Act passed in the "session of Parliament held in the thirty-third and thirty-fourth "years of the reign of Her present Majesty, chapter 106, intituled "'An Act to amend the Sanitary Act, 1866, so far as relates to the "'city of Dublin,'" and by the Act of 1875 the maximum amount which the Public Works Loan Commissioners might advance to the town council was increased from three hundred and fifty thousand pounds to five hundred thousand pounds, upon condition, however, that the town council should give such additional security for the repayment of this advance as the Public Works Loan Commissioners might deem to be necessary, and should comply with such further terms and conditions as to the application and management of such advance and as to the execution of the works as the Commissioners of Her Majesty's Treasury might require and prescribe, and it was by the Act of 1875 enacted that it and the Act of 1870

38 & 39 Vict. c. 95. (*Pub.*)

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should be construed together, and should together be cited as "The Sanitary Law (Dublin) Amendment Acts, 1870 to 1875:"

And whereas the corporation have not substantially commenced or carried out the works authorised by the Dublin Main Drainage Act, 1871, and have not succeeded in obtaining any advance from the Public Works Loan Commissioners, and the period limited by the said Act of 1871 for the purchase of lands necessary for the purposes of the undertaking was allowed to expire on the 13th day of July 1876 without any steps effectual for the purpose having been taken by the corporation to obtain an extension of time:

And whereas the Township Commissioners have meanwhile been threatened with legal proceedings for suffering the sewage of the townships to flow into the River Dodder:

And whereas the works authorised or contemplated by the recited Acts of 1870, 1871, and 1875 for the reasons aforesaid having failed, and the representations made to the Township Commissioners in 1871 having been wholly unfulfilled, it is expedient that the Township Commissioners and the townships respectively be released from all duty, liability, or restraint under the Dublin Main Drainage Act, 1871, or under the Sanitary Law (Dublin) Amendment Acts, 1870 to 1875, and that the provisions of the Dublin Main Drainage Act, 1871, so far as they relate to the townships or either of them, should now be repealed:

And whereas the Township Commissioners have prepared and are willing to undertake an independent scheme of drainage for diverting the sewage of the townships from the Swan river or sewer, and from the River Dodder, and for conducting the same to an outfall removed from any resident population and leading directly to the sea, but such works cannot be carried into effect by the Township Commissioners under their present powers:

And whereas it is expedient that for the purpose of executing such works, and works incidental thereto, a joint board should be constituted and empowered as herein-after mentioned:

And whereas it is expedient that the existing Acts passed as aforesaid, with relation to the Rathmines and Rathgar Township and the Pembroke Township, should in certain respects be amended, with a view especially of checking the waste or improper use of the respective water supplies in the townships, of improving the drainage of streets and houses, and of otherwise promoting the health and convenience of the inhabitants of the townships:

And whereas it is expedient that further and additional powers should be conferred upon the Township Commissioners respectively

as to roads within, and street or other approaches to, the townships, or either of them, as to sanitary matters, as to finance, and in the several other respects herein-after mentioned:

And whereas under the Rathmines Improvement Act, 1847, and the Pembroke Township Act, 1863, and the Acts therewith respectively incorporated, the Township Commissioners in each case are required to make application to Parliament by special order as therein defined:

And whereas the Rathmines Commissioners, by an absolute majority of the whole number of the Commissioners at a meeting held on the fifth day of July 1876, after special notice setting forth the nature of the proposed application to Parliament, and that it was intended to defray the expense of such application out of the rates levied upon the township, approved of the application and resolved that the necessary steps be adopted for carrying out the same; and such resolution was confirmed by an absolute majority of the whole number of the Rathmines Commissioners at a subsequent meeting held on the ninth day of August, notice of which subsequent meeting, together with the proceedings at the former meeting, was duly advertised in each of the weeks intervening between the two meetings in the "General Advertiser," a newspaper circulating in the township, and special notice in writing of which subsequent meeting was given to each of the Commissioners:

And whereas after the holding of such subsequent meeting, and before any steps were taken by the Commissioners for carrying such resolution into effect, the said resolution, together with the proceedings at the former meeting and at the subsequent meeting, was duly advertised for four successive weeks in the "General Advertiser," and public notice thereof was also given by means of placards posted in public places within the township, reference being made in all such advertisements and placards to the fact that the plans or particulars of the work to which the resolution related might be seen gratuitously by the ratepayers at the Town Hall, Rathmines:

And whereas similar proceedings attended with the like formalities in all respects were taken by the Pembroke Commissioners, the first meeting of that body being held on the third day of July and their subsequent meeting on the seventh day of August, and the plans or particulars being deposited for public inspection in the case of the Pembroke Township at the Town Hall, Ballsbridge

And whereas no remonstrance against carrying into effect either of the said resolutions or any part thereof was signed or presented to the Commissioners by any ratepayer in the townships respectively:

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And whereas it is expedient that the application should now be acceded to, and that the powers sought should be conferred upon the Township Commissioners:

And whereas it would be for the general convenience that the date of election of the Rathmines Commissioners should be altered and assimilated to the date of election of the Pembroke Commissioners:

And whereas plans and sections describing the lines, situation, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of all such lands, and describing those lands, have been deposited with the clerk of the peace for the county of Dublin, and are in this Act referred to as "the deposited plans, sections, and books of reference:"

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Part I.—Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Rathmines and Pembroke Main Drainage and Improvement Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts or portions of Acts (as far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act; (that is to say,)

The provisions of the Commissioners Clauses Act, 1847:

With respect to the qualification of Commissioners;

With respect to the meetings and other proceedings of the Commissioners, and their liabilities;

With respect to the contracts to be entered into and the deeds to be executed by the Commissioners;

With respect to the liabilities of the Commissioners, and to legal proceedings by or against the Commissioners;

With respect to the appointment and accountability of the officers of the Commissioners;

With respect to the mortgages to be executed by the Commissioners (if and so far as the Board or the Commissioners may elect to borrow under these provisions, but not otherwise);

With respect to the accounts to be kept by the Commissioners;

With respect to the making of byelaws; and

With respect to giving notices and orders:

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (so far as these Acts respectively are not inconsistent with the Acts next herein-after mentioned):

The Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, and the Railways Act (Ireland), 1864:

The Railways Traverse Act, 1868:

Sections seven, eight, nine, and ten (relating to alterations of plans), and sections fifteen to eighteen (relating to execution of works) of the Railways Clauses Consolidation Act, 1845, and the several provisions of that Act:

With respect to the temporary occupation of lands near the railway during the construction thereof;

With respect to the crossing of roads or other interference therewith;

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices:

Sections thirteen, eighteen, and nineteen (relating to protection of navigation) of the Railways Clauses Act, 1863:

Section one hundred and forty-two of the Towns Improvement Clauses Act, 1847:

Sections fifty-four to sixty (inclusive) of the Waterworks Clauses Act, 1847; and

Sections twelve to twenty-one (inclusive) of the Waterworks Clauses Act, 1863.

Same meaning to words in this Act as in incorporated Acts.

3. In construing "The Commissioners Clauses Act, 1847," "The Railways Clauses Consolidation Act, 1845," "The Railways Clauses Act, 1863," "The Waterworks Clauses Acts, 1847 and 1863," or any of those Acts, for the purposes of this Act, the following words and expressions have the meanings hereby assigned to them; (that is to say,) the expressions "the promoters," "the promoters of the undertaking," "the undertakers," "the commissioners," or "the company" mean the Board constituted by this Act; the word "commissioner" means member of such Board; the words "the railway" and "the undertaking" mean the sewers and works by this Act authorised; the words "works" and "railways" in the

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Railways Clauses Consolidation Act, 1845, and in the Railways Clauses Act, 1863, mean the sewers and works authorised by this Act; the word "works" in the section of the Towns Improvement Clauses Act, 1847, incorporated with this Act shall be read and have effect as if immediately after such word "works" the words "or other objects and purposes" had been inserted and made applicable by name to the Commissioners respectively; and all the provisions of sections seven, eight, and nine of the Railways Clauses Consolidation Act, 1845, shall be read and have effect as if the expression "clerk of the union within which such parishes are "included in Ireland" were substituted for the expression "post-"masters of the post towns in or nearest to such parishes in Ireland," and the words "clerks of the union" were substituted for the word "postmasters."

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the incorporated Acts have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and—

The expression "the Rathmines Commissioners" means the Rathmines and Rathgar Improvement Commissioners:

The expression "the Pembroke Commissioners" means the Pembroke Township Commissioners:

The expression "the Commissioners" means the Rathmines Commissioners singly or the Pembroke Commissioners singly, as the case may be:

The expression "the Township Commissioners" means the Rathmines Commissioners and the Pembroke Commissioners jointly:

The expression "the Rathmines Township" means the Rathmines and Rathgar Township as defined by "The Rathmines, Rathgar, and St. Catherine's Improvement Act, 1866:"

The expression "the Pembroke Township" means the township of that name as defined by "The Pembroke Township Act, 1863:"

The expression "the Board" means the Rathmines and Pembroke Main Drainage Board as constituted and authorised by this Act:

The expression "the Act of 1847" means the Rathmines Improvement Act, 1847; the expression "the Act of 1862" means the Rathmines and Rathgar Improvement Act, 1862; and the expression "the Act of 1866" means the Rathmines, Rathgar, and St. Catherine's Improvement Act, 1866:

The expression "the Rathmines Acts" means and includes the Act of 1847, the Act of 1862, and the Act of 1866:

The expression "the Pembroke Act" means "The Pembroke Township Act, 1863:"

The expression "the former Acts" means the Rathmines Acts and the Pembroke Act:

The expression "the outfall sewer" means the Sewer No. 1 by this Act authorised and shown on the deposited plans:

The expression "constituent authority" means the Commissioners, and the expression "constituent authorities" means the Township Commissioners:

The expression "the Public Health Acts" means and includes the Sanitary Act, 1866, the Public Health (Ireland) Act, 1874, and any other Act or Acts amending the same:

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

The expression "a justice" or "a divisional justice" means a divisional justice of the police district of Dublin metropolis.

Part II.—The Joint Drainage Board.

Constitution and incorporation of Joint Drainage Board.

5. There shall be a Joint Drainage Board of eleven members, constituted and regulated as in this Act provided, representing the several authorities following; (that is to say,)

The Rathmines Commissioners;

The Pembroke Commissioners;

And the Local Government Board for Ireland (herein-after referred to as the "Local Government Board");

And the members of such Joint Drainage Board for the time being shall be and are hereby incorporated for the purposes of the construction and maintenance of the works by this Act authorised, and for the other purposes in this Act expressed to be carried into effect by such Joint Drainage Board, by the name of "The Rathmines and Pembroke Main Drainage Board" (herein-after referred to as "the Board"), and by that name shall be a body corporate with perpetual succession and a common seal, and all other incidents of a body corporate, and with power to take and hold and to dispose of lands and other property for the purposes of this Act.

First appointment of members of the Board.

6. Within one month after the passing of this Act the Rathmines Commissioners shall at a meeting of their body appoint five of their body, and the Pembroke Commissioners shall at a meeting of their body appoint five of their body, and the Local Government Board shall appoint one person to represent their body, to be members of the Board, and the members so appointed shall be and

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constitute the Board until their successors are appointed in manner herein-after provided.

Subsequent appointment of members of Board.

7. The Rathmines Commissioners and the Pembroke Commissioners shall respectively at a meeting of their body to be held in the month of November next after the passing of this Act, or at some adjournment thereof, and at a meeting of their body to be held in the month of November in every subsequent year, or some adjournment thereof, appoint from their body the number of members of the Board they are for the time being entitled to appoint under the provisions of this Act (that is to say, five members from each body of Commissioners, or ten in all), and the Local Government Board shall at the same time in each year, or as near thereto as circumstances will permit, appoint one member of the Board, not being necessarily a member of the Local Government Board, making eleven in the whole, so that all the members of the Board shall be appointed annually; and after the first appointment, and until any new appointment is made by the Rathmines Commissioners, or the Pembroke Commissioners, or the Local Government Board, as the case may be, the members last appointed by them shall continue in office: Provided always, that of the members of the Board so to be appointed by the Township Commissioners respectively, whether at their meeting held as aforesaid within one month after the passing of this Act, or at any subsequent meetings of the Township Commissioners respectively in any year held in the month of November, or otherwise, one of the members appointed shall at all times be the chairman of the Rathmines Commissioners for the time being, and another shall at all times be the chairman of the Pembroke Commissioners for the time being.

No person to be member of the Board on behalf of more than one constituent authority.

8. No person being a member of the Board by appointment from one of the constituent authorities shall, so long as he continues a member by virtue of such appointment, be qualified to be also a member of the Board by appointment from another of the constituent authorities, and any such subsequent appointment shall be void; and if the same person shall be appointed a member of the Board by more than one of the constituent authorities at the same election, he shall elect under which appointment to serve, and the other appointment shall be deemed void.

Members to be disqualified on ceasing to be members of constituent authorities.

9. If a member of the Board appointed by a constituent authority ceases to be a member of such constituent authority, he shall also cease to be a member of the Board, but such disqualification shall not apply if he only goes out of office by rotation as a member of such constituent authority, and is thereupon re-elected.

Members going out of office eligible for re-appointment.

10. Every member of the Board 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.

Occasional vacancies.

11. If any member of the Board die or resign, or be disqualified, or cease to be a member of the Board from any cause, the constituent authority or the Local Government Board by whom he was appointed may, if they think fit, at any time after the happening of such vacancy, in like manner appoint a member of the Board (being if appointed by a constituent authority one of their body) in his place, and every member of the Board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

Appointment of members to be certified to Board.

12. Whenever an appointment of a member of the Board has been made, the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board, and shall forthwith transmit the certificate to the clerk of the Board, unless the clerk of such constituent authority and the clerk of the Board shall be one and the same person; and the secretary or other proper officer of the Local Government Board shall similarly certify the appointment on their behalf of any member to represent them upon the Board, and shall communicate the same to the clerk of the Board.

First and other meetings of the Board.

13. The Board shall hold their first meeting at the Pembroke Town Hall at Ballsbridge on the third Wednesday after their appointment, at twelve o'clock (unless some other day or time or place should be appointed for the purpose by the secretary or other proper officer of the Local Government Board, and then on such day and at such time and place as he shall appoint), and other meetings of the Board shall be held on such days, at such times, and at such places as the Board from time to time appoint.

Power to call special meetings.

14. In addition to the meetings to be held by appointment of the Board, the chairman of the Board for the time being, or any three or more members of the Board, may at any time by writing addressed and sent to the clerk require a special meeting to be convened, and the clerk shall convene a meeting accordingly.

Error, failure, &c. not to invalidate acts done, &c.

15. Any act of the Board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the appointment of any member of the Board, or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board, or by reason of any failure or omission on any occasion

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on the part of either constituent authority or of the Local Government Board to appoint any member of the Board, or by reason of any other irregularity, error, failure, or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

Chairman of the Board to be alternately appointed.

16. Unless the Board at a meeting specially convened for considering the question unanimously resolve to the contrary as to any particular year, and save as to the interval between the first election of members of the Board within one month after the passing of this Act and the first annual election of members of the Board in the month of November 1877, or subsequently thereto, the office of chairman of the Board shall be annually filled and shall not be held at any one time for more than a year continuously by the same individual, and the Rathmines Township and the Pembroke Township shall be represented alternately in the office of chairman by a member annually chosen, in accordance with the provisions next herein-after contained from the representatives upon the Board of the particular township entitled for that year to such representation under this and the following enactment.

First chairman.

17. The first chairman of the Board shall be the chairman for the time being of the Rathmines Commissioners or the chairman for the time being of the Pembroke Commissioners, as the Board at their first meeting may decide, by lot or otherwise, and such first chairman of the Board shall hold office for the interval elapsing between the date of his appointment at such first meeting and the date of the first annual appointment of members of the Board, in accordance with the provisions of this Act, in the month of November 1877, or subsequently thereto.

Second and other chairmen.

18. The second chairman of the Board shall be the chairman for the time being of the Rathmines Commissioners or the chairman for the time being of the Pembroke Commissioners (whichever of the said chairmen shall not have been appointed to fill the office of first chairman of the Board in manner herein-before prescribed, unless the Board unanimously resolve otherwise), and the said second chairman shall continue to hold office as such for one year or so long as he remains a member of the Board, but shall be subject to be removed by a resolution agreed to by not less than nine of the members present at any meeting specially convened for considering the question of such removal; and upon the next annual election of members of the Board the successor of the second chairman shall be the chairman for the time being of the township (Rathmines or Pembroke, as the case may be) which was not represented by the

second chairman, and the third chairman so appointed shall hold office for a like period and subject to the like condition of removal in all respects as his predecessor in office, and so alternately from time to time: Provided always, that upon the occurrence of any casual vacancy in the office of chairman of the Board, any chairman who shall have served less than one whole year from the time of his election may, if the Board think fit, for the remainder of that year be replaced by a member of the Board representing the same constituent authority by whom the said chairman serving for the broken period was originally elected.

As to convening meetings.

19. The first meeting of the Board shall be convened by the secretary or other proper officer of the Local Government Board, and every subsequent meeting shall be convened by the clerk to the Board, and every meeting shall be convened by circular delivered to each member of the Board, or sent by post to or delivered at his residence, two clear days at the least before the day of meeting, and every such circular may be in writing or print, or partly in writing and partly in print.

Quorum.

20. The number of members of the Board present to constitute a meeting of the Board shall be five.

Officers of Board.

21. The Board may from time to time appoint and may remunerate a clerk, an engineer, a treasurer, and a solicitor, and such other officers, clerks, and servants as they from time to time think requisite.

Compensation to officers.

22. The Board may at their discretion grant to any clerk, officer, or servant of the Board who shall have become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, and shall charge such allowance to the same fund as that to which such salary would have been charged if he had continued in his office, and the Board may likewise out of their funds make a reasonable allowance in any case to workmen or others employed in or about the sewers when the circumstances in their discretion shall justify the same.

Same person may be officer of Board and constituent authority.

23. Any person may at one and the same time be and continue to be both an officer of the Board and also an officer of either constituent authority.

Power to make sewers according to deposited plans.

24. Subject to the provisions of this Act, the Board may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the sewers and works herein-after

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described, or some or one of them, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for that purpose. The sewers and works herein-before referred to are the following:

(*a.*) A Sewer No. 1, commencing by a junction with the Swan Culvert at a point in the Clyde Road on the boundary between the townlands of Baggotrath and Baggotrath East, in the parish of Saint Bartholomew, distant 150 yards or thereabouts, measured in a south-westerly direction, from the junction of the Clyde and Elgin Roads, and terminating by an outlet in the bed or shore of the River Liffey on the north side of the Poolbeg Lighthouse wall at a point distant 86 yards or thereabouts, measured in a north-easterly direction, from the eastern end of the White Bank Wharf;

(*b.*) A pumping station at a point distant 75 yards or thereabouts, measured in a northerly direction, from the eastern end of London Bridge over the River Dodder, with tanks, engines, and all proper works and conveniences connected therewith;

(*c.*) A Sewer No. 2, commencing at the said pumping station, and terminating in the townland of Merrion, in the parish of Donnybrook, in a field in the occupation or reputed occupation of William Lawler, by a junction with an existing sewer at a point immediately adjacent to and on the north side of the Dublin and Kingstown Railway, distant 155 yards or thereabouts, measured in an easterly direction, from the public road known as Sidney Parade;

(*d.*) A Sewer No. 3, commencing at the said pumping station, and terminating at the east side of Barrow Street, in the townland of South Lots, parish of Saint Mark's, and township of Pembroke, at a point distant 200 yards or thereabouts, measured in a northerly direction, from the north side of the bridge carrying the Dublin and Kingstown Railway over Barrow Street;

(*e.*) A Line of Pipes No. 4, commencing by a junction with Sewer No. 1 at a point in the townland of Beggars Bush and parish of Saint Bartholomew at the south end of Beggars Bush Road, and terminating in the River Dodder on its western side at a point in the townland of Baggotrath and parish of Donnybrook to the south of and immediately adjacent to Ballsbridge Weir;

And the Board may, as part of or in connexion with or as subsidiary to the said sewers and works (*a.*), (*b.*), (*c.*), (*d.*), and (*e.*), make and maintain all necessary and proper drains, culverts, junctions, sluices, penstocks, manholes, entrances, ventilators, flushing apparatus, catch-pits, wells, pits, syphons, weirs, gauges, tanks, approaches, and other appliances and conveniences which may be requisite for the purposes aforesaid, but so always as not to enlarge or affect the limits set forth and specified in the schedule to this Act as those within which the outlet Sewer No. 1 (*a.*) and the pumping station (*b.*) may be constructed.

As to outfall of Sewer No. 1 and pumping station.

25. The limits within which the outlet of Sewer No. 1 (*a.*) and the pumping station (*b.*) may be constructed shall be those defined in the schedule to this Act.

For protection of Dublin, Wicklow, and Wexford Railway.

26. Whereas the Sewer No. 1 will pass under and across the railway of the Dublin, Wicklow, and Wexford Railway Company (herein-after called "the Wicklow Company"), and it is expedient that provision should be made for the protection of the railway of the Wicklow Company: Therefore, the works by this Act authorised shall be executed only in accordance with and subject to the following provisions:

(*a.*) The Board shall not commence the execution of any works for carrying the said Sewer No. 1 under or across the said railway within fifteen feet on either side of the fence wall of the said railway, as the case may require, unless and until the Board shall have delivered to the Wicklow Company plans, drawings, and sections of the works affecting the said railway, with specifications in writing describing the proposed manner of executing the same, and shall have obtained from the engineer of the Wicklow 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 Wicklow 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 Board, with due notice to the Wicklow Company:

(*b.*) In constructing the said Sewer No. 1 under and across the said railway the Board shall not carry the same nearer to the bottom of the rails of the said railway than is shown on the deposited sections, except with the consent in writing of the Wicklow Company under their common seal:

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(*c.*) The works for carrying the said Sewer No. 1 across the said railway 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 or interruption to the traffic thereon:

(*d.*) So much of the Sewer No. 1 as is referred to in sub-section (*a.*) aforesaid shall be made and maintained by and at the expense of the Board 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 Wicklow Company, who from time to time during the construction of such portion of the said Sewer No. 1 may at the expense of the Board appoint and employ all necessary inspectors and watchmen to superintend the execution of the works and to secure the safety of the Wicklow Company's Railway and the non-interruption of the traffic thereon as he thinks proper, and such portion of Sewer No. 1 shall at all time at his request be open to the reasonable inspection of the engineer of the Dublin and Wicklow Railway Company, and in case of difference as to any of the matters aforesaid the same shall be referred, on the application of either party, to an arbitrator to be appointed by the Board of Trade:

(*e.*) The Board shall not, without the consent of the Wicklow 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 Wicklow Company, the Board 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 Wicklow Company's railway, or the works and conveniences connected therewith, or the passage of traffic upon and along the said railway.

Provision for case of injury to the Dublin, Wicklow, and Wexford Railway Company.

27. 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 of the Wicklow Company shall be injured or damaged, such injury or damage shall forthwith be made good by the Board at their own expense, or in the event of their failing to do so then the Wicklow Company may make good the same and recover the expense thereof with full costs against the Board 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, the Board shall on demand pay to the Wicklow 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 Wicklow Company in any court of competent jurisdiction.

For preventing deposit in bed of estuary.

28. The Board in constructing the outfall sewer by this Act authorised shall provide such catchpits or other appliances as may be necessary for preventing gravel or similar detritus that may be washed into the said sewer from passing through the outfall into the harbour, and shall use, cleanse, and maintain the said catchpits and appliances so that gravel or similar detritus may not pass through the outfall into the harbour; and the Dublin Port and Docks Board (herein-after referred to as "the Port Board") shall by their officers and servants have at all reasonable times access to the said catchpits or other appliances for the purpose of inspecting their condition, and if at any time they shall find the said catchpits or other appliances, or any of them, not duly cleansed and maintained, or otherwise not in a fit condition, they may give notice in writing thereof to the Board, who shall within ten days after such notice remedy the evil complained of; and the Board shall be liable to a penalty not exceeding ten pounds for every week after the expiration of the said ten days during which the said catchpits or other appliances shall remain uncleansed or otherwise unfit for their purpose.

The protection of Pigeon House Fort.

29. The Board shall construct that portion of Sewer No. 1 between the points two miles two furlongs three and a half chains and two miles four furlongs five chains, where the same adjoins or passes through the Pigeon House Fort, in accordance in all respects with the plan signed by Richard Hassard, C.E., bearing date 30th January 1877, and deposited with the Fortification Department of the Royal Engineers at the War Office: Provided always, and it is hereby agreed, that the additional surface of ground afforded by such sewer shall vest in the Secretary of State for War, in trust for Her Majesty, her heirs and successors, for the same purposes in all respects as the property immediately adjoining and forming part of the Pigeon House Fort, and that the Board shall make good by dredging at or upon the mud bank opposite the quay so much of the deep water space as is taken away as an addition to the quay for the purposes of this Act; and the Board shall cause gratings to be erected and maintained for effectually preventing all access

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to the drain before it enters and after it leaves the fort at such points as may be determined upon by the Secretary of State for War.

Power to purchase easements.

30. For the purpose of making and maintaining the sewers by this Act authorised, the Board from time to time may by agreement purchase any easement, right, power, or privilege, not being easements or rights of water, in, through, under, over, or upon any lands which may be requisite for these purposes; provided that nothing in this section contained shall authorise the Board to use any such easements for the purposes of any sewage work (except as expressly authorised by this Act), or for works for the maintenance or conversion of the residual products of sewage.

Grants of easements by incapacitated persons.

31. The persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey lands shall have full power to make to the Board grants of any such easements, rights, powers, or privileges as aforesaid for the purpose of this Act (not being easements or rights of water), and the consideration for any such grants may be either a sum in gross or a perpetual annual rentcharge, and the Board 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 Acts Amendment Act, 1860," with respect to the sale of lands 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.

Power to deviate.

32. The Board in making the sewers and works by this Act authorised may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and vertically from the levels thereof shown on the deposited sections to such extent as they find necessary or convenient for effecting the objects of the works, and in estimating the purchase money or compensation to be paid to the owners of any land to be taken under the powers of this Act regard shall be had to the damage (if any) sustained by such owner by reason of the power of deviating contained in this enactment: Provided always, that notwithstanding anything in this enactment, or in the Railways Clauses Consolidation Act, 1845, to the contrary, the Board in constructing so much of the Sewer No. 2 by this Act authorised, as lies between the point marked on the deposited plans three furlongs five chains and the termination thereof, shall not make any deviation from the centre line of the said sewer as delineated on

the said plans (even within the limits of deviation shown on such plans) which would bring the centre line of the said sewer nearer to the centre line of the railway of the Wicklow Company than fifty feet, without the consent in writing of the engineer for the time being of the Wicklow Company.

Duty of Board to provide pumping stations, &c.

33. The Board shall construct, maintain, and keep in operation the pumping station (*b.*) by this Act authorised, and all apparatus and appliances connected therewith, so that effectual provision may be made at all times for carrying the sewage of every part of the district into the outfall sewer.

Sewers to be kept in repair and well flushed and ventilated.

34. From and at all times after the completion of the sewers and works by this Act authorised, the Board shall keep the same in good repair and condition, and shall cause the same to be well and sufficiently flushed and ventilated.

Interference with Swan sewer and River Dodder.

35. The Board in the construction of the sewers and works by this Act authorised may cross over or under, divert, or otherwise interfere with the Swan sewer or river and the River Dodder in the manner and to the extent shown on the deposited plans, and may divert from the River Dodder at Ballsbridge such water as is necessary or desirable for flushing the outfall sewer.

For the protection of the port of Dublin.

36. For the protection of the port of Dublin and of the Great South Wall, and of the other works belonging to the Port Board, be it enacted as follows:

(1.) So much of the Sewer No. 1 as is to be constructed in and along the Pigeon House Road between the points one mile three furlongs and nine chains and two miles two furlongs and three and a half chains as shown on the deposited plans shall be constructed at a distance of not less than twenty-five feet south of the north boundary wall of the said road, and so much of the said sewer as is to be constructed between the Pigeon House Fort and the outfall shall be constructed south of the Poolbeg Lighthouse wall, and so as not to interfere with the said wall except for the passage of the outfall east of the Whitebank, and no structure shall be made by the Board north of the said Poolbeg Lighthouse wall or in the bed of the River Liffey, except the outfall pipe and the requisite piles or fastenings:

(2.) Nothing contained in this Act or in the deposited plans and sections shall give to the Board any right over or interest in the Pigeon House Road, or in the Poolbeg Lighthouse wall, or the works connected therewith, or other works

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or property of the said Port Board, excepting as an easement for the purpose of constructing, using, and maintaining the said Sewer No. 1 and the outfall thereof as herein-before provided:

(3.) The works to be executed by the Board under the powers of this Act in connexion with the River Liffey or the port of Dublin, or with any works vested in or under the control of the Port Board, shall be executed according to plans and specifications previously submitted to the Port Board and approved of in writing by them, subject, however, to the provision for arbitration in case of difference as herein-after provided for; provided that if within six weeks after the said plans and specifications have been submitted to them they shall omit to give their opinion thereon, they shall be deemed to have assented thereto, and if any difference shall arise with respect to such plans and specifications, the matter shall be referred to arbitration in manner herein-after mentioned:

(4.) Except in periods of floods or sudden storms, no sewage shall be discharged into the port of Dublin by means of the outfall sewer, unless between the time of high water and one hour before low water, and the Board shall be subject to a penalty not exceeding ten pounds, payable by way of liquidated damages to the Dublin Port and Docks Board, for every wilful or negligent violation of this provision:

(5.) The Board shall pay to the Port Board by equal half-yearly payments the annual sum of two hundred and fifty pounds to defray the cost of dredging and removing any accumulation of solid matter that may be created at the mouth of the outfall sewer, or in the neighbourhood thereof, by the discharge of the said sewage, and such payments shall begin to accrue from the date of the opening of the said outfall sewer into the harbour of Dublin, and shall form part of the Port Fund. The said Port Board shall not make any charges for or in the nature of wayleave which might be demanded or taken by the Port Board:

(6.) The Port Board shall not be liable for any nuisance or other consequences arising from the discharge of sewage into the port of Dublin under the provisions of this Act, or for any nuisance arising from the dredging of the same:

(7.) Any differences between the Board and the Port Board arising out of this enactment, or out of any other of the provisions of this Act, shall be settled from time to time by

an arbitrator to be appointed by common accord between the two boards, or if they cannot agree, then by an arbitrator to be appointed on the application of either party by the Local Government Board, Ireland, 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:

(8.) Except as by this Act is expressly enacted, nothing contained in this Act shall interfere with, diminish, or prejudicially affect the rights, powers, and authority exercised by or vested in the Port Board for the maintenance, preservation, and improvement of the harbour and port of Dublin as defined in the second section of the Dublin Port and Docks Act, 1869, or, except as aforesaid, shall authorise any interference with the works of the said Board or the port of Dublin.

General sewerage and other powers of Board.

37. Subject and according to the provisions of this Act, and for the execution and maintenance of the sewers and works by this Act authorised, and for the other purposes in this Act expressed to be carried into effect by the Board, but not further or otherwise, the Board shall have in and without and in relation to the townships all powers (except powers of rating and borrowing and relative thereto) which an urban sanitary authority as such have in and without and in relation to their district under the Public Health Acts, and all other (if any) the powers of any sanitary authority as such (except powers of rating and borrowing and relative thereto) in like manner in all respects (as nearly as may be) as if the Board were for the purposes aforesaid a body designated as an urban sanitary authority by the Public Health (Ireland) Act, 1874, and this Act shall have effect as if all the powers conferred by the Public Health Acts upon urban sanitary authorities were here repeated and conferred upon the Board, subject, nevertheless, to the provisions of this Act.

Continuance of powers of constituent authorities.

38. The Board shall not in or in relation to the Rathmines Township or the Pembroke Township exercise any power vested in the Board, except for the purposes of the execution and maintenance of the sewers and works by this Act authorised, and for the other

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purposes in this Act expressed to be carried into effect by the Board, and neither constituent authority shall in or in relation to the townships respectively exercise any such power as is under this Act exerciseable by the Board otherwise than subject to and in accordance with the provisions of this Act; but, except as in this Act expressly provided, nothing in this Act contained shall take away, abridge, or prejudicially affect any right, power, duty, or obligation vested in or imposed on either constituent authority in relation to their respective townships, and nothing in this Act shall take away, abridge, or prejudicially affect any power or right for the time being vested in either constituent authority with reference to any proceedings at law or in equity in respect of any nuisance or pollution of streams or watercourses outside the townships, and either constituent authority may exercise and enjoy any such power or right as if this Act had not been passed.

Limiting time for compulsory purchase of lands.

39. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

40. The sewers and works by this Act authorised shall be completed within seven years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Board for executing the said sewers or works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Board may grant licenses to use sewers.

41. Subject to the provisions herein-after contained, the Board may from time to time (with the assent of the constituent authority in each case) grant to any urban or rural sanitary 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 occupier of any dwelling-house or other building, or of any land upon which buildings are in course of construction or which may at any time hereafter be erected in such townships, parishes, or districts, 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 thereupon the Board (or, as the case may be, the Township Commissioners) may, at the expense of the 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 in like manner as cases of disputed compensation may be settled under the provisions of "The Lands Clauses Consolidation Act, 1845:" Provided always, that it shall be wholly optional with the Board and the Commissioners respectively in any case to grant or to withhold such license.

Board to be compensated for admitting sewage beyond the limits of the townships.

42. Subject to the provisions herein-after contained, the Board may (with such assent as aforesaid) admit, but shall not be bound to admit, into the outfall sewer and into any intermediate sewer any sewage from places lying outside the townships: Provided always, that the public body or person or persons desirous of making use of the outfall sewer as an outfall for such sewage shall pay to the Board compensation, either by a sum in gross or an annual payment, for such use of the outfall sewer, in addition to any compensation which they or he may be required to pay to the constituent authority 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 outfall sewer, the nature and amount of compensation in case of dispute to be settled by arbitration in the same manner as is by this Act provided for the settlement of other disputes by arbitration; provided any sum to be paid to the Board in gross shall be applied by the Board in paying off borrowed money.

Owners or occupiers outside the townships not to use sewers unless by agreement previously entered into.

43. Notwithstanding the provisions in any other Act contained, no owner or occupier of premises adjoining or near to but outside the limits of the townships shall cause any sewer or drain of or from such premises to communicate with any sewer of the Board or of the Commissioners by means whereof the sewage of such outlying premises may be brought into the outfall sewer, unless such owner or occupier shall have previously entered into an agreement with the Board and, as the case may be, with the constituent authority owning the intermediate sewers for the admission of the sewage from the said premises into the outfall sewer and intermediate sewers, and for the payment to the Board, and if need be to the Commissioners, of compensation, either by a sum in gross or an annual payment, for such use of the outfall sewer and intermediate sewers as provided in the next preceding section of this Act.

No sewage from outlying places to pass into sewer except from pre-

44. Except as may be expressly provided in or 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 outfall sewer or other sewers authorised by this Act by virtue of such

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mises to which agreement or award refers.

agreement or award, other than and except such sewage as arises upon the premises to which the agreement or award refers, unless and until the amount of compensation to be paid to the Board or, as the case may be, to the Commissioners by the owner or occupier of the premises whence such additional sewage shall come shall be ascertained and settled by arbitration in the same manner as is by this Act provided for the settlement of other disputes by arbitration.

Parties rated may require use of sewer.

45. Provided always, that the owner or occupier of any house or manufactory outside the townships to whom any such license shall have been granted, and who shall be liable for and paying rates or other sums in respect thereof to the Board or, as the case may be, to the Board and to either of the constituent authorities may require the Board to allow the sewage from such house or manufactory to be conveyed into such one of the sewers by this Act authorised, or into such one of the sewers under the control of either constituent authority, as shall in the opinion of the Board or, as the case may be, of the constituent authority be suitable for that purpose, and the Board or constituent authority shall permit the same accordingly, and shall cause all necessary openings and works in and about the said sewer to be made and executed for that purpose.

Restriction on grant of licenses, &c.

46. Provided that it shall not be lawful for the Board or the Township Commissioners or the constituent authority to grant any such license as aforesaid for the use of the said sewers to or permit any public body outside the limits of the townships to discharge sewage into the outfall sewer or intermediate sewers, or to use the outfall sewer or intermediate sewers, or to use the outfall sewer as an outfall for such sewage, unless and until the Board or the constituent authority shall have obtained the consent in writing of the Port Board under the hand of their secretary.

Right of constituent authority to use of sewer.

47. A constituent authority shall be entitled as of right to have a communication made by the Board at the expense of that authority between any sewer of that authority and a sewer of the Board.

Notice to be served before breaking up roads.

48. Before any public road shall be opened or broken up by the Board, they shall give to the persons or body under whose control or management such road may be, or their clerk or surveyor, notice in writing of their intention to open or break up the same before beginning such work, except in cases of emergency, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Roads broken up to be reinstated without delay.

49. When the surface or soil of any road shall be opened or broken up by the Board, they shall with all convenient speed complete the work on account of which the same shall be broken up, and in the meantime cause the place where such surface or soil shall be so opened or broken up to be fenced and guarded, and shall set up and maintain a sufficient light during every night which such surface or soil shall continue open or broken up.

Penalty for opening or injuring sewer.

50. Every person who without the license of the Board shall make any opening into any of the sewers by this Act authorised, or who shall destroy or injure any of the sewers or any of the works of the Board, shall for every such offence be liable to a penalty not exceeding fifty pounds over and above the damage occasioned by the act.

Chemical refuse and other injurious matter not to be allowed to pass into sewer.

51. It shall not be lawful for any body corporate, company, or person to throw or permit or suffer to be thrown or to pass into the sewers by this Act authorised, or any of them, any refuse matter from chemical works or other substances or liquids which would be injurious to the construction, use, or efficiency of the sewer, or that would cause silting up, corrosion, or decay in the materials thereof, or produce or generate poisonous or pernicious gas or other like products; and every body corporate, company, or person offending against this enactment shall for every such offence forfeit and pay to the Board a sum not exceeding fifty pounds, but this enactment shall not be construed to extend to fœcal matter.

Repealing certain sections of Dublin Main Drainage Act, 1871.

52. So much of the Dublin Main Drainage Act, 1871, as authorises or requires the corporation or town council of the city of Dublin or the Dublin Main Drainage Committee to construct any sewers or other works within the limits of the Rathmines Township and of the Pembroke Township, or either of them, or as authorises and requires the Rathmines Commissioners or the Pembroke Commissioners to construct any sewers or other works in connexion therewith, or as imposes on the Rathmines Commissioners or Pembroke Commissioners, or on the townships, or either of them, any duty or liability as to rates, payments, or contributions for or in respect of the cost of execution or maintenance of any works under that Act, or incident thereto, or any duty or liability as to moneys borrowed under or for the purposes of that Act, or any duty or liability as to the appointment from time to time of any members of the Dublin Main Drainage Committee, or any other duty, liability, charge, or obligation whatsoever, is hereby repealed, together with all or any provisions, restrictions, or limitations of the said Act

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which would or might conflict with the several works, objects, and purposes authorised by this Act; but save as far as may be necessary for the purposes of this Act and of the works by this Act authorised, and for the complete severance, withdrawal, and discharge of the Rathmines Township and the Pembroke Township from the limits, works, rating, and other provisions of the Dublin Main Drainage Act, 1871, the corporation or town council of the city of Dublin, and all other parties to that Act, shall be at liberty to carry out and give effect to the provisions of the same as fully in all respects as if this Act had not been passed.

Modifying provisions of Sanitary Law (Dublin) Amendment Acts, 1870 to1875.

53. So much of "The Sanitary Law (Dublin) Amendment Acts, 1870 to 1875," as imposes or might impose, directly or indirectly, upon the Rathmines Township or the Pembroke Township, jointly or separately, any liability for or in respect of moneys advanced or to be advanced to the corporation or town council of the city of Dublin, or for the repayment of the same, or any other duty, liability, charge, or obligation whatsoever, is hereby repealed, together with all or any provisions of the said Acts which would or might conflict with the several works, objects, and purposes authorised by this Act; but save as far as may be necessary for the purposes of this Act, and for the complete severance, withdrawal, and discharge of the Rathmines Township and the Pembroke Township from the limits, works, rating, and other provisions of the Dublin Main Drainage Act, 1871, and from all liability under the Sanitary Law (Dublin) Amendment Acts, 1870 to 1875, or under those Acts as connected with or referred to in the Dublin Main Drainage Act, 1871, the Public Works Loan Commissioners, the corporation or town council of the city of Dublin, and all other parties to the Sanitary Law (Dublin) Amendment Acts, 1870 to 1875, shall be at liberty to carry out and give effect to the provisions of those Acts as fully in all respects as if this Act had not been passed.

Savings from effect of repeals.

54. Notwithstanding the repeal by this Act of any provisions of the Dublin Main Drainage Act, 1871, or of the Sanitary Law (Dublin) Amendment Acts, 1870 to 1875,—

(1.) All acts, matters, and things before the passing of this Act done under the powers and authorities of those Acts, or any or either of them, and which are at the passing of this Act good, valid, and available, and all conveyances, leases, mortgages, debentures, bonds, covenants, deeds, instruments, contracts, and agreements at the passing of this Act existing under the same, shall be and continue

as good, valid, and available for all purposes, and for and against all parties and authorities, as if this Act had not been passed:

(2.) All actions, suits, prosecutions, or other proceedings by or against the corporation or town council of the city of Dublin or the Dublin Main Drainage Committee by reason of any matter or thing done before the passing of this Act in execution of or in relation to the said Acts, or any or either of them, may be continued or prosecuted by or against the said corporation or town council and committee as if this Act had not been passed:

(3.) All books and documents shall be receivable in evidence as if this Act had not been passed.

Power for Board to borrow on mortgage.

55. In order to provide the necessary funds for defraying the cost of constructing the sewers and works by this Act authorised, including the purchase of lands and easements, the applying for and obtaining this Act, and all expenses incidental thereto, and generally for carrying the several purposes of this Act into execution, the Board may from time to time borrow at interest, on mortgage of the contributions, calls, rates, rents, and moneys coming to the Board under this Act, such sum or sums of money as they from time to time think fit, not exceeding in the whole the sum of one hundred thousand pounds.

Re-borrowing.

56. If having borrowed any money under the provisions of this Act the Board pay off the same, or any part thereof, they may (unless the money borrowed was repaid out of the sinking fund) re-borrow the amount paid off, and so from time to time.

Payment of money borrowed by instalments or sinking fund.

57. The Board shall pay off any money for the time being borrowed by them on mortgage or debenture stock within sixty years after borrowing the same, either by instalments or by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose, which instalments or sinking fund shall be such as the Local Government Board, having regard to the provisions of this section, approve; provided that it shall not be obligatory on the Board to pay off any money under this section before the expiration of five years from the passing of this Act.

Arrears may be enforced by appointment of a receiver.

58. The mortgagees of the Board under this Act may enforce the payment of arrears of interest or principal, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear to authorise the appointment of a receiver shall be ten thousand pounds; and any receiver so appointed

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shall have and may exercise as against the Board like powers and remedies (including the power of applying for a writ of Mandamus) as are herein-after conferred upon the Board, or any receiver appointed by or on behalf of the Board, for the recovery of calls or interest from a defaulting authority.

Coupons for interest on mortgages.

59. The Board may issue coupons for interest on their mortgages, each coupon referring to the mortgage to which it relates, and specifying the amount and time of payment of one half year's interest on the principal money secured by that mortgage, and being authenticated by the signatures of two persons thereunto expressly authorised by the Board (which authorisation shall be presumed until the contrary is shown); and on presentation to the treasurer of the Board of a coupon he shall pay to the presenter the amount of interest thereon expressed and thereby appearing to be due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest on coupons beyond the amount of the money of the Board in his hands and applicable in that behalf.

Power to Board to create debenture stock.

60. For enabling the Board to substitute a continuing stock for renewable mortgages in the ordinary form, the following provisions shall have effect; (that is to say,)

(1.) The Board may raise any money which they are by this Act authorised to borrow by the creation and issue, at such times, in such amounts and manner, at such price, on such terms, subject to such conditions, and with such rights and privileges as they think fit, of stock to be called "Rathmines and Pembroke Main Drainage Debenture "Stock," bearing a fixed and continuing interest payable half-yearly or otherwise, and redeemable (at the option of the Board) at par at such time and on such conditions as the Board declare on the creation thereof:

(2.) The debenture stock shall be transferable by deed, and shall have all the incidents of personal estate:

(3.) The Board shall cause entries of the debenture stock from time to time issued by them to be made in a register, with the names and addresses of the holders and the amounts of their holdings:

(4.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debenture stock of the Board without charge:

(5.) The Board shall deliver to each holder of debenture stock a certificate stating the amount held by him:

(6.) The debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Board, other than the right to require payment of the nominal principal money represented thereby:

(7.) The interest of the debenture stock shall rank next to the interest payable on the mortgages of the Board legally granted before the creation of such debenture stock, but the holders of the debenture stock shall not as among themselves be entitled to any preference or priority;

Provided always, that—

(*a.*) Nothing in this Act contained as to the creation or issue of debenture stock shall in any way affect any mortgage or bond at any time legally granted by the Board before the creation or issue of such debenture stock, but the holders of all such mortgages and bonds shall, during the continuance thereof, respectively be entitled to the same priorities, rights, and privileges in all respects as they would have been entitled to if the creation and issue of debenture stock had not been authorised by this Act:

(*b.*) Separate and distinct accounts shall be kept by the Board showing how much money has been received for or on account of debenture stock, and how much money borrowed or owing on mortgage which they have power so to borrow, has been paid off by debenture stock or raised thereby instead of being borrowed on mortgage:

(*c.*) The power of the Board to raise money on mortgage or bond shall be diminished by the amount of debenture stock so from time to time created and issued.

Application of moneys borrowed.

61. All moneys from time to time borrowed by the Board under this Act shall be applied in payment, in the first place, of the costs of applying for and obtaining this Act, and all expenses incident thereto, and afterwards in payment of the costs of constructing the sewers and works by this Act authorised, including the purchase of lands and easements.

Annual return to Local Government Board with respect to sinking fund.

62. The clerk to the Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such

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sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Board have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may, if they think just, and after hearing the Board, if desiring to be heard, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench, and this section shall extend to payment of instalments as far as the nature of the case admits.

Protection of lenders from inquiry.

63. A lender of money to the Board shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss, non-application, or misapplication of the money lent, or of any part thereof.

Authorised works in what proportions chargeable.

64. The following provisions shall be observed and have effect with respect to the Board and the Township Commissioners respectively and the sewers and works by this Act authorised:

(A.) The whole of the said sewers and works shall be constructed by and under the direct authority of the Board:

(B.) The outfall sewer (*i.e.* the Sewer No. 1), from its commencement to the point of discharge at the White Bank Wharf, and all works immediately connected therewith, shall be deemed a joint work undertaken by the Board both on behalf of the Rathmines Township and the Pembroke Township, and the expenses of the construction and maintenance thereof (including all outlay for the purchase of lands and for consequential or other damage) shall be chargeable accordingly:

(C.) The pumping station, the Sewers No. 2 and No. 3, and all works immediately connected therewith, shall be deemed special works undertaken by the Board on behalf of the

Pembroke Township, and the expenses thereof and of the maintenance and working thereof shall be chargeable accordingly:

(D.) The Line of Pipes No. 4, and all works immediately connected therewith, shall be deemed a joint work undertaken by the Board both on behalf of the Rathmines Township and Pembroke Township, and the expenses thereof and of the maintenance and working thereof shall be chargeable accordingly:

(E.) From and after the construction and completion of the sewers and works by this Act authorised, the said Sewers Nos. 1, 2, and 3, the pumping station, and the Line of Pipes No. 4 shall be maintained and managed by the Board, and, subject to the provisions of this Act, all the sewers in either township, other than the sewers and works by this Act authorised to be constructed or maintained by the Board, shall continue to be made, maintained, and managed by the Township Commissioners respectively under the provisions of the former Acts applicable in each case to the townships respectively as if this Act had not been passed:

(F.) The expenses incurred in the alteration of any existing culvert or drain or in the making of any new drain in the Rathmines Township or Pembroke Township, or either of them, by the Township Commissioners respectively under the provisions of the former Acts or of the Public Health Acts, or any of them, with a view more completely to adapt the sewerage and drainage of the townships respectively to the sewers and works authorised by this Act, and all expenses incident thereto, may be apportioned between the townships respectively or may be wholly defrayed by either township, as the case may require and as the Commissioners may agree.

Annual estimate of expenditure to be made by Board.

65. In the month of December in every year the Board shall make an estimate of the amount of their probable expenditure for the year then ensuing, and such estimate shall include the deficiency (if any) in the funds of the Board for the past year to meet the expenditure for that year, and the amounts which will be required for payment of interest on mortgages or debenture stock and for the sinking fund, and for all contemplated expenditure not chargeable to capital account and current expenses of the Board, and there shall be deducted from the amount of such estimate the balance (if any) of funds of the Board for the year then past which shall

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remain after payment of their expenditure for that year, but the estimate shall not include as affecting the constituent authorities jointly the costs and expenses of any "special work" under this Act, which shall be shown under a separate heading in the estimate as affecting the constituent authorities individually.

For ascertaining the amount of contributions by the constituent authorities.

66. The amount of the estimate shall be divided and apportioned between the constituent authorities in the proportions in which they are by this Act required to bear the costs and expenses incurred by the Board in carrying this Act into execution; (that is to say,) (1.) as regards the outfall sewer and the Line of Pipes No. 4, and all expenditure connected therewith, the same shall be divided between the constituent authorities in the proportions of the net annual assessable value of the lands, tenements, and hereditaments in the townships respectively, as ascertained for the time being under this Act and the Acts relating to the valuation of rateable property in Ireland for the time being in force; and (2.) as regards the pumping station and all sewers and works other than the outfall sewer and the Line of Pipes No. 4, and all expenditure connected therewith, there shall be added to the proportion or share of indebtedness of either constituent authority in respect of the outfall sewer and Line of Pipes No. 4, ascertained as aforesaid, the costs and expenses for which such constituent authority is under this Act liable in respect of any "special work" as herein-before defined, and the total shall be the amount which such constituent authority is by this Act required to contribute to the Board for the year then ensuing, and is in this Act referred to as the contribution of such constituent authority.

Board to make requisition to constituent authorities for contributions.

67. The Board may by writing under the hands of not less than three of their members, and countersigned by their clerk, request payment of any contribution for the time being due from either of the constituent authorities (herein-after referred to as "a call"), and such requisition shall be transmitted by the clerk of the Board to such constituent authority, who shall within three months pay the amount of the call to the treasurer of the Board, and the receipt of such treasurer shall be a sufficient discharge for the same.

Interest on contributions in arrear.

68. If within three months after the transmission to either constituent authority of any requisition by the Board for the payment of any call due from such constituent authority such constituent authority shall fail to pay the amount of such call to the treasurer of the Board, then such constituent authority shall pay for the

same while in arrear interest at such rate not exceeding seven per cent. per annum as the Board may determine.

Recovery of calls in arrear.

69. If either constituent authority fails duly to pay the amount of any call or interest, then and in every such case the Board may, in addition to all other remedies, proceed for recovery thereof in any or all of the modes following, at the option of the Board; (that is to say,)

(1.) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction, and may recover the same; and in any such proceeding it shall not be necessary to set out the special matter, and it shall be sufficient for the Board to allege that the authority sued is indebted to the Board in respect of a call made under this Act with interest whereby an action or right of proceeding has accrued to the Board:

(2.) The Board may by precept empower some officer of the Board to raise, by means of a rate to be assessed upon the like property, and to be made, levied, and collected in like manner and with the like powers and authorities, as the rate of or under the control of the defaulting authority which would be applicable to the payment of such calls and interest under this Act, such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount of the call and interest, and all expenses incurred in consequence of the nonpayment thereof; and any officer of the Board so empowered shall have the like powers of assessing, making, levying, and collecting rates, and of issuing precepts, and of requiring payment of money, and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise, and the officer of the Board so empowered, after paying all money payable under the precept, shall pay any residue of money received by him (the amount to be ascertained by the Board) to or to the order of the defaulting authority:

(3.) The Board may enforce payment of such call or interest 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 defaulting authority to make and cause to be levied such rate or rates as they are authorised to make for the purposes of any Act relating to such defaulting authority of such amount as shall be sufficient to make good any deficiency

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in the funds applicable to the payment of such call or interest, 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 when the same shall be made peremptory the defaulting authority shall and they are hereby authorised and required 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.

As to keeping accounts.

70. The Board shall keep all such accounts as may be necessary for elucidating all the money transactions of the Board 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 Board in and about the construction of the sewers and works, and which are properly chargeable to capital account, and all sums received by mortgage or debenture stock under the provisions of this Act;

(2.) A general account, which shall show the sums from time to time expended by the Board, and not properly chargeable to capital account, and all the sums (if any) received from rates beyond the district, and grants of licenses to use the sewers or otherwise under the provisions of this Act;

(3.) A separate account of expenditure with respect to each "special work";

(4, 5.) A separate account with each of the constituent authorities, showing the proportions of expenditure for or to which such constituent authority is liable;

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

Appointment of auditor.

71. There shall be an auditor of the Board appointed by the Local Government Board for the purposes of this Act.

Remuneration and expenses of auditors.

72. The remuneration of the auditor so appointed shall be fixed by the Local Government Board, and shall be payable and charged as expenses incurred by the Board in carrying this Act into execution.

Accounts to be balanced and audited half yearly.

73. The accounts shall be made up, balanced, and audited half-yearly, and a balance sheet showing the financial state of the Board at the expiration of the half year, and the total amount of their

receipts, expenditure, credits, debts, and liabilities, shall also be made out, and the said accounts and balance sheet (if found correct) shall be allowed and signed by the auditor if and when satisfied with the correctness thereof; and the auditor, if and whenever he thinks fit, may make a special report or special reports in relation to the said accounts and balance sheet, or any of them.

Copy of accounts to be forwarded.

74. A copy of all the accounts as audited, and of the reports (if any) of the auditor thereon, shall forthwith be transmitted to each constituent authority and to the Local Government Board.

Reference of differences to Local Government Board.

75. If at any time any controversy or difference arises between the Board on the one hand and either of the constituent authorities on the other hand, or between the constituent authorities themselves, respecting any act, matter, or thing under this Act, either of the parties may refer the same to the Attorney General or Solicitor General for Ireland for the time being, or to the Local Government Board, who shall decide the same, and whose decision thereon and respecting the costs of the reference shall be final and binding.

General power to make byelaws.

76. For the purposes of this Act the Board, with reference to all matters under the jurisdiction of the Board, may from time to time make any byelaws, rules, and regulations which they deem necessary and expedient for the due execution of this Act with reference to all such matters, and they may in like manner from time to time repeal, alter, or vary any such byelaws, rules, and regulations, and may from time to time make new byelaws, rules, and regulations for the like matters.

Part III.—The Townships.

Date of annual retirement of Rathmines Commissioners assimilated to Pembroke Township.

77. From and after the passing of this Act, the date on which the retiring Commissioners in the Rathmines Township shall annually go out of office and be replaced by a like number of Commissioners shall be changed from the first Thursday in September to the fifteenth day of November in each year: Provided always, that until the completion of the first election of Commissioners under this Act, the existing Commissioners shall continue in office, and shall have and possess all the rights, powers, and authorities by the Rathmines Acts and this Act conferred on the Commissioners, and shall be entitled to exercise such rights, powers, and authorities, and bound to discharge the duties by the Rathmines Acts and this Act incumbent on the Commissioners, until the completion of such first election.

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Additional powers to Commissioners as regards roads, &c.

78. In addition to the powers already possessed by the Township Commissioners in relation to roads, culverts, and bridges within their respective townships, the Commissioners respectively and their officers shall under this Act possess and be capable of exercising like jurisdiction, power, and authority in all respects as to roads, culverts, and bridges within the respective townships, and as to the construction, alteration, widening, closing, use, management, and repairs of the same, as are vested in the grand jury of the county of Dublin and their officers under the Acts 7 and 8 Vict. cap. 106. and 8 and 9 Vict. cap. 91., or under any Act for the time being in force amending the same; and the provisions of all or any of those Acts, as far as the same may be necessary or desirable for such purposes, shall be deemed to be incorporated with this Act: Provided always, that applications at presentment sessions shall not in any case be necessary.

Agreements may be made for improving approaches.

79. With respect to any communications with or approaches to the Rathmines Township or the Pembroke Township, or either of them, the Commissioners may, if they think fit, enter into agreements with any company, public body, person, or persons duly authorised in that behalf for the repair, maintenance, levelling, or improvement of such communications or approaches, or any of them, although the same may not in all cases or in any case lie within or partly within or immediately adjacent to the township boundary, and may apply their funds accordingly.

Rathmines and Rathgar main drainage rate.

80. In order to defray the expenses to which the Rathmines Commissioners are or may be subject under this Act, or for the general purposes of sewers within their townships, they may from time to time, as often as occasion requires, and according to the powers, provisions, and restrictions (except restrictions as to amount of rate) of the Rathmines Acts, make and levy a rate, to be called "The Rathmines and Rathgar Main Drainage Rate," upon the owners and occupiers of all kinds of property for the time being assessable under the Rathmines Acts to the Rathmines and Rathgar Improvement Rate, 1866.

Pembroke main drainage rate.

81. In order to defray the expenses to which the Pembroke Commissioners are or may be subject under this Act, or for the general purposes of sewers within their townships, they may from time to time, as often as occasion requires, and according to the powers, provisions, and restrictions (except restrictions as to amount of rate) of the Pembroke Act, make and levy a rate, to be called "The Pembroke Main Drainage Rate," upon the owners and

occupiers of all kinds of property within their district for the time being assessable to the Pembroke township rate.

Provisions as to existing rate applied to main drainage rate.

82. The several powers and provisions of the Rathmines Acts with respect to the making, levying, collection, and recovery of improvement rates within the Rathmines Township, and with respect to exemption and limitations (but not restrictions as to amount of rate), shall extend and apply to all rates to be levied by the Rathmines Commissioners under this Act; and the several corresponding powers and provisions of the Pembroke Act shall in like manner extend and apply to all rates to be levied by the Pembroke Commissioners under this Act.

Rate may be collected with existing rates.

83. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any main drainage rate under this Act, the Rathmines Commissioners may include the same in any rate collected by them under the Rathmines Acts, and may make, collect, and recover the same as part of the Rathmines and Rathgar Improvement Rate, 1866, and the Pembroke Commissioners may in like manner include, make, collect, and recover any main drainage rate under this Act in and as part of the Pembroke township rate.

Amount of rate to include expenses of recovering it.

84. The amount of any main drainage rate to be levied by the Rathmines Commissioners or by the Pembroke Commissioners under this Act may, if the Commissioners respectively think fit, be such an amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Rating of railways.

85. 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 used as or for the purposes of a railway constructed under the powers of any Act of Parliament for public conveyance by the Dublin, Wicklow, and Wexford or by the Dublin and Kingstown Railway Companies shall be assessed and liable in the proportion of one-fourth part only of the net annual value of such lands respectively.

Not to affect powers of rating in other respects.

86. Nothing in this Act contained shall take away, prejudice, or affect the powers of the Rathmines Commissioners under the Rathmines Acts, or of the Pembroke Commissioners under the Pembroke Act, or under any other Act or Acts whatsoever, of making any rates for the purposes of those Acts, or any of them.

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Powers of Board as to borrowing and byelaws to be applicable to Township Commissioners.

87. The several provisions of this Act conferring powers on the Board of borrowing money upon mortgages or debenture stock, and of making, altering, and enforcing byelaws, and as to all incidental matters, shall extend and apply mutatis mutandis to the Rathmines Commissioners and the Pembroke Commissioners and each of them as fully in all respects as if those several provisions were repeated in this portion of the Act and made applicable by name to the Township Commissioners respectively; and the Commissioners may exercise the said powers of borrowing as well with respect to the borrowing or re-borrowing of moneys authorised by the former Acts as with respect to the borrowing of moneys under the authority of this Act, and all such powers may be exercised and enjoyed by the Commissioners in and with respect to their separate township accordingly: Provided always, that if the Township Commissioners or either of them elect to borrow money upon debenture stock, the same shall be distinguished as "Rathmines and Rathgar Township debenture stock" or as "Pembroke Township debenture stock," as the case may be; but this section shall not have the effect of increasing the amount or amounts which independently of this section the Township Commissioners or either of them would be authorised to borrow.

Saving for existing charges.

88. Nothing in this Act shall prejudicially affect any charge upon the property, rates, rents, or revenues of the Rathmines Commissioners or of the Pembroke Commissioners, by way of mortgage or otherwise, subsisting at the passing of this Act, and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the property, rates, rents, or revenues subject to the charge, as if this Act had not been passed.

Drainage of new streets.

89. The proposed level and width of any new street in either township having been approved by the Commissioners or their surveyor, the Commissioners or their surveyor shall specify the depth or inclination, form, size, materials, and other particulars of the sewers and their appurtenances according to which the works for the proper drainage of such street and of the adjoining properties shall be carried out.

Regulations as to drains, &c. of new houses, and ventilation thereof.

90. With a view to the health, well-being, and good sanitary condition of the townships respectively, the Commissioners may from time to time make and enforce byelaws requiring that all plans or particulars affecting the drainage of new houses or buildings in either township shall before the commencement, erection, or occupation of such houses or buildings be in each case lodged with and

submitted to their surveyor or other proper officer for inspection and approval, and for requiring that all plans or particulars of the mode of ventilating the sewers or drains of such houses or buildings when constructed shall in like manner be lodged and submitted for inspection and approval, and further for requiring all or any such plans and particulars when approved of (and whether the same be adopted with or without modification) to be carried out under adequate regulations and (if need be) supervision, so as to ensure in each case efficient house drainage and ventilation of sewers and drains, and a proper connexion with the system of main drainage of the townships respectively by this Act authorised; and the Commissioners may in like manner make and enforce byelaws requiring that all materials proposed or intended to be used in or about the drainage or construction of drains of new houses and buildings shall be approved by the Commissioners or their surveyor in each case.

Certificate to be obtained regarding new houses.

91. No new house or building in either township shall be occupied until the house drainage has been made and completed, nor until such house or building has been certified by the Commissioners or their surveyor or other proper officer after examination to be in every respect fit for human habitation in their or his opinion; and the several foregoing provisions in this Act contained as to the drainage of houses and buildings, and in relation thereto, shall be in addition to any powers possessed by the Commissioners respectively as the urban sanitary authority, and may in case the same shall be found expedient be exercised by the Commissioners acting in that capacity.

For preventing obstruction in street.

92. No goods, merchandise, or articles whatsoever shall be allowed to rest or remain on any part of any footway or carriageway within either township so as to cause obstruction, annoyance, or inconvenience to the passage of the public along the same footway or carriageway, or for a longer time than is absolutely necessary for loading or unloading, and no horse or other animal shall be allowed to stand on or over any footway in either township so as to cause obstruction, annoyance, or inconvenience to the passage of the public along the footway; and every person doing any act in contravention of this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Part IV.—Water Supply.

For preventing waste, misuse,

93. In all cases where the Commissioners give a constant supply of water they may, for preventing waste, misuse, undue consumption,

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undue consumption, or contamination of water.

or contamination of the water of the Commissioners in either township, from time to time make such byelaws, rules, and regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(1.) By any such byelaws, rules, and regulations the Commissioners may direct the use, and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair, of the water pipes, water meters, and fittings, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles to be used by such persons for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, meters, fittings, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles which in their judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination:

(2.) The Commissioners shall not be bound to supply or continue to supply water to any such person as aforesaid, unless such byelaws, rules, and regulations as are for the time being in force are duly observed by him:

(3.) In case of the failure of any such person to observe such byelaws, rules, and regulations as are for the time being in force, the Commissioners may, if they think fit, upon the report by their duly authorised officer of such failure, after six hours notice in writing, enter and, by or under the direction of such authorised officer, repair, replace, or alter any pipe, meter, fittings, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any such person supplied by them with water; and the power of entry given by section 15 of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expenses of every such repair, replacement, or alteration shall be repaid to the Commissioners by the person to whom or on whose credit the water is supplied, and may be recovered by them as damages for recovery whereof no special provision is made:

(4.) Where an owner or occupier shall require a supply of water from the main, the junction of the service pipes necessary for such supply with the main shall be made by the officer of the Commissioners, and in all cases the whole of the

work necessary for the supply of water, or for the laying or repairing of such service pipe between such point of junction and the house, building, or tenement to be supplied, shall be executed by such officer of the Commissioners, and the charges thereby incurred, including the cost of materials, shall be repaid by such owner or occupier, and may be recovered by proceedings before a divisional justice in a summary manner.

For restraining interference with water supply by unauthorised persons.

94. The Commissioners may from time to time make and enforce byelaws, rules, and regulations within their respective townships—

For preventing any improper or unauthorised interference with their waterworks, fountains, mains, pipes, or other property, or any part or parts thereof, and for preventing the water in such works, fountains, mains, or pipes, or any of them, from being polluted, wasted, or improperly taken, used, or sold.

Commissioners to keep meters in repair.

95. The Commissioners shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent for any such meter or other instrument during such times as such default continues. The Commissioners shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

96. Where water is supplied by measure, the register of the meter or instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Commissioners: Provided always, that if the Commissioners and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by a divisional justice, who may also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such justice shall be final and binding upon all parties.

Power to charge as for average consumption in certain cases.

97. If from any cause whatever any meter shall cease to indicate correctly the quantity of water passing through it, the Commissioners shall be entitled to charge for the supply according to the average weekly consumption for the month preceding the date on which such meter was last examined and found in order, and the quantity so ascertained shall be treated and considered as having passed such meter.

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Notice respecting meter or water pipes.

98. Any person who connects, disconnects, or otherwise interferes with a meter or pipe by which water of the Commissioners has been or is intended to be registered or supplied, without giving to the Commissioners at least twenty-four hours notice of his intention to do so, shall for every such offence be liable, on summary conviction, to forfeit and pay a penalty not exceeding five pounds.

Injuring meters.

99. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Commissioners, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Commissioners, shall, without prejudice to any other right or remedy for the protection of the Commissioners or the punishment of the offender, for every such offence forfeit and pay to the Commissioners a sum not exceeding five pounds, and the Commissioners may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Commissioners, or prevented any meter from duly registering the quantity of water supplied by the Commissioners may also until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for improperly abstracting, consuming, or using water of the Commissioners when such pipe or water fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer of such water.

Part V.—Miscellaneous.

Byelaws to be sanctioned.

100. Nothing in this Act shall authorise the Board or the Rathmines Commissioners or the Pembroke Commissioners to make any byelaw, rule, or regulation repugnant to law or to this Act, and the same shall in each case be submitted to the Local Government Board for confirmation, and until such confirmation the same shall not be valid or have any effect. The Board or the Rathmines Commissioners or the Pembroke Commissioners respectively, as the case may be, may by any byelaw, rule, or regulation impose penalties for offences against the same not exceeding in respect of any offence five pounds, together with the cost of any injury which may have

been occasioned; but so that all byelaws, rules, or regulations be so framed as to allow of part only of the maximum penalty being inflicted.

Evidence of byelaws.

101. A printed or written copy of any byelaws, rules, or regulations purporting to be made, confirmed, and published under the authority of this Act, and signed by the clerk of the Board or by the clerk of the Rathmines Commissioners or by the clerk of the Pembroke Commissioners, as the case may be, shall be conclusive evidence of the validity of such byelaws, rules, or regulations in any prosecution under the same, or for any other purpose.

Recovery of penalties.

102. All proceedings for the recovery of penalties and damages under this Act may be had in manner prescribed by the Acts regulating the powers and duties of justices of the peace for the police district of Dublin metropolis.

Application of penalties.

103. Where under this Act or any byelaw of the Board or Commissioners any pecuniary penalty, expenses, costs, or other money is or are recovered by the Board or Commissioners, the same shall (notwithstanding anything in any other Act) be paid to the Board or the Commissioners, as the case may be, and shall be applied by them towards payment of the expenses of executing this Act.

Cost of prosecutions, &c.

104. The Board and the Commissioners respectively may take and pay the expenses of any legal proceedings for the recovery of any penalty or in relation to any appeal under this Act.

Proceedings against one or more joint owners and occupiers.

105. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by their joint act or default, the Board or the Commissioners, as the case may be, may, if they think fit, include them in one complaint, and a justice may, if he thinks fit, include them in one summons, and any order made in such a case may be made on all or on any one or more of the persons included in the summons, and the costs may be distributed as to the justice appears fit.

Several sums in one summons.

106. Any summons or warrant issued for any purpose of this Act may contain in the body thereof, or in the schedule thereto, several names and several sums.

Costs of distress.

107. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money, and the costs shall be ascertained by the justice and included in the warrant of distress for recovery of the money.

Judges &c. not disqualified.

108. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act.

Form and service, &c. of notices by Board.

109. Any instruments (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served under this Act, or any byelaw made by the Board or Commissioners, as the case may be, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the secretary to the Board or of the clerk to the Commissioners being affixed thereto in print or writing, or by a stamp, on behalf of the Board or Commissioners, and it shall be sufficient in all cases where any such instrument is required to be given or delivered to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (the same being described) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners or occupiers of the several houses or buildings concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of any occupier, to an inmate of the building in respect of which it is given or served, or, if the building is unoccupied and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, to some conspicuous part of such building.

Saving rights of constituent authorities.

110. Except as is in this Act 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 Commissioners or the Pembroke Commissioners under the former Acts, or any of them, or otherwise howsoever.

The protection of Alliance Gas Company.

111. For the protection of the Alliance and Dublin Consumers Gas Company (herein-after referred to as "the Alliance Company"),

the following provisions shall be observed and have effect; (that is to say,)

In the construction or execution of the works by this Act authorised, or any of them,—

(1.) The Board, if they shall deem it necessary to raise, sink, or otherwise alter the position of any mains, pipes, or other works belonging to the Alliance Company, shall cause the same to 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:

(2.) The Board shall not remove or displace any mains, pipes, or other distributory works belonging to the Alliance Company, or 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 have been made by the Board for enabling the supply of gas to be carried on by the Alliance Company:

(3.) The Board shall repair and make good all damage done to the property of the Alliance Company by disturbance occasioned by the construction of any of the works authorised by this Act:

(4.) The Board, if they construct any work over any main or pipe of the Alliance Company, shall construct and maintain a good and sufficient culvert over such main or pipe (so as to cover the same and make it accessible for the purpose of repairs), together with all other works necessary for the protection from injury of such main or pipe, and the Board, in case they undermine any gas main of the Alliance Company, shall cause the same to be temporarily supported during the execution of the work, and the foundation afterwards made good, or in case it is found absolutely necessary to remove such gas main, shall make good and effectual arrangements for enabling the supply of gas to be carried on otherwise than through such main:

(5.) All works herein-before authorised or required to be executed by the Board involving interference with any mains, pipes, syphons, plugs, or other works of the Alliance Company, or the supply thereby of gas,

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shall be executed at the cost of the Board and to the reasonable satisfaction in all things of that company or their engineer, if they or he think fit to attend after receiving not less than forty-eight hours notice from the Board or their proper officer of any such works, which notice the Board (save in cases of sudden emergency) shall be bound to give:

(6.) If the Board, or any of their contractors, agents, officers, workmen, or servants, or any person in the employment of them or any of them, interrupt the supply of gas by the Alliance Company, the Board shall make good any loss occasioned thereby to the Alliance Company, and the amount shall be determined by arbitration in manner next herein-after provided:

(7.) Any dispute or controversy between the Alliance Company and the Board touching or concerning the true meaning or construction of this Act, or any of the provisions thereof, or any payment to be made by the Board to the Alliance Company under such provisions, shall be referred to arbitration in accordance with the provisions of the Railway Companies Arbitration Act, 1859, as if the Alliance Company and the Board were two railway companies:

(8.) 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 vested in or possessed by the Alliance Company.

Saving rights of the Crown in the foreshore.

112. Nothing contained in this Act shall authorise the Board 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 this Act 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.

Expenses o Act.

113. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall in the first instance be paid by the con-

stituent authorities out of any of their respective funds, and shall be repaid to the constituent authorities by the Board out of the first moneys which shall come to their hands under the powers of this Act, and in preference to all other charges.

The SCHEDULE.

Sewer Lands and Limits within which the Outlet of Sewer No. 1 (*a.*) and the Pumping Station (*b.*) referred to in the foregoing Act may be constructed.

As regards the termination and outlet of (*a.*) Sewer No. 1:

The space enclosed by a line commencing at a point in the bed of the estuary of the River Liffey on the north side of the Poolbeg Lighthouse wall or Pigeon House wall, distant in a northerly direction from the said Poolbeg Lighthouse wall 6 yards or thereabouts, and distant in a westerly direction 50 yards or thereabouts from the north-east angle of the White Bank Wharf, and extending from the said point in a southerly direction for a distance of 83 yards or thereabouts across the said Poolbeg Lighthouse wall to a point on the White Bank, thence running in an easterly direction parallel to the said Poolbeg Lighthouse wall for a distance of 120 yards or thereabouts, thence in a north-easterly direction for a distance of 95 yards or thereabouts to a point on the south side of the said Poolbeg Lighthouse wall distant 137 yards or thereabouts in an easterly direction from the eastern end of the said White Bank Wharf, thence in an easterly direction for a distance of 93 yards or thereabouts along the south side of the said Poolbeg Lighthouse wall, thence across the said Poolbeg Lighthouse wall in a northerly direction for a distance of 70 yards or thereabouts to a point in the bed of the estuary of the River Liffey distant 58 yards or thereabouts from the north side of the said Poolbeg Lighthouse wall, thence in a westerly direction for a distance of 227 yards or thereabouts parallel to the said Poolbeg Lighthouse wall to a point distant 53 yards or thereabouts in a northerly direction from the north-east angle of said White Bank Wharf, thence in a south-westerly direction for a distance of 76 yards or thereabouts to the point described as the commencement of the enclosing line.

As regards the pumping station (*b.*)—

The space enclosed by a line commencing at the eastern end of the north parapet of London Bridge over the River Dodder, and thence following the north fence of London Bridge Road for a distance of 130 yards or thereabouts in an easterly direction from the said bridge, thence extending for 107 yards or thereabouts in a northerly direction, and following the course of a fence separating the adjoining plots of ground in the occupation, or reputed to be in

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the occupation, of Peter Redmond and Patrick Beatty, thence in a westerly direction for a distance of 120 yards or thereabouts to the eastern bank of the River Dodder at a point distant 80 yards north or thereabouts from the first-named point on the north parapet of London Bridge over the River Dodder, and thence in a southerly direction for the said distance of 80 yards to the point described as the commencement of the enclosing line.

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