

[9 EDW. 7.] *Clydebank and District Water Order* [Ch. cxlvi.]
Confirmation Act, 1909.



CHAPTER cxlvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clydebank and District Water. [20th September 1909.] A.D. 1909.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Clydebank and District Water Order Confirmation Act 1909. Short title.

A.D. 1909.

SCHEDULE.

CLYDEBANK AND DISTRICT WATER.

Provisional Order to authorise the Clydebank and District Water Trustees to construct additional Works to make deviations of authorised Works to extend the time for the purchase of lands and construction of Works to acquire additional lands to abandon parts of authorised Works and for other purposes.

WHEREAS by the Clydebank and District Water and Burgh Extension Order 1906 (in this Order referred to as "the Order of 1906") the Clydebank and District Water Trustees (in this Order called "the Trustees") were incorporated for the purpose of supplying water within the burgh of Clydebank and the district therein defined:

And whereas by the Order of 1906 the Trustees were authorised to acquire lands and to construct the works therein described:

And whereas it is expedient to alter the route or line of the conduit or line of pipes Work No. 10 authorised by the Order of 1906 and to make a diversion of the road of access Work No. 6 authorised by the said Order and to construct the deviations of the said conduit and road of access as in this Order described and to abandon certain portions of the said conduit and road of access between the several points of deviation thereof and to relinquish the lands authorised to be acquired for the purposes of the same:

And whereas it is expedient that the periods limited by the Order of 1906 for the purchase of land and for the construction of works thereby authorised respectively should be extended as in this Order provided:

And whereas it is expedient that the Trustees in connexion with their undertaking should be further authorised to construct and maintain additional works and to purchase and acquire lands for the purposes thereof:

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And whereas the estimates prepared by the Trustees for the construction and completion of the additional works authorised by this Order are less than the estimate for the works authorised to be abandoned by this Order: A.D. 1909.

And whereas the estimate prepared by the Trustees for the purchase of the lands authorised by this Order exceeds the estimate for the purchase of the lands for the works authorised to be abandoned by this Order by the sum of two hundred and seventy-one pounds:

And whereas it is expedient that the Trustees should for the purposes of the works authorised by this Order and for the purchase of lands be authorised to apply the rates authorised to be levied and the money authorised to be borrowed under the Order of 1906:

And whereas it is expedient that the other powers in this Order contained should be conferred on the Trustees:

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and also a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Dumbarton and Stirling respectively and are in this Order referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited for all purposes as the Clydebank and District Water Order 1909 and may together with the Order of 1906 be cited as the Clydebank and District Water Orders 1906 and 1909. Short title
and citation.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order." Commence-
ment of
Order.

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Interpreta-
tion.

3. In this Order the several words and expressions to which meanings are assigned in the Order of 1906 and in any Acts wholly or partially incorporated with that Order shall have the meanings attached to them in the said Order and Acts unless there be something in the subject or context repugnant to such construction.

Incorpora-
tion of Acts.

4. The following Acts and parts of Acts so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order:—

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 with the excep-
tions specified in the Order of 1906 :

The Commissioners Clauses Act 1847 with the exceptions
specified in the Order of 1906.

Works.

5. The Trustees may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional works herein-after described or some part or parts thereof. The works herein-before referred to are the following:—

A scour drain or pipe (Work No. 1) situate in the parish of Strathblane in the county of Stirling commencing in inclosure marked No. 203 on the 25-inch Ordnance Survey map of the county of Stirling second edition 1898 at a point two hundred and fifty yards or thereby measured southwards from the northmost corner of the said inclosure and terminating in the stream at the north-east corner of the inclosure marked No. 205 on the said Ordnance Survey map :

A scour drain or pipe (Work No. 2) situate in the parish of New Kilpatrick and county of Dumbarton commencing on the public highway known as Stockiemuir Road at the junction of said road with the road leading to Craigton Bleachworks and terminating in the stream at the east end of inclosure marked No. 60 on the 25-inch Ordnance Survey map of the county of Dumbarton second edition 1898 at a point two hundred and twenty yards or thereby north-eastward from the southmost corner of said inclosure :

A scour drain or pipe (Work No. 3) situate in the parish of New Kilpatrick and county of Dumbarton commencing at

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a point in Stockiemuir Road at the junction of said road with the public road to Milngavie known as Craigton Road and terminating in the stream at the east corner of the inclosure marked No. 827 on said Ordnance Survey map of the county of Dumbarton: A.D. 1909.

A scour drain or pipe (Work No. 4) situate in the parish of New Kilpatrick and county of Dumbarton commencing at a point in Stockiemuir Road where said road is crossed by the public road leading from Baljaffray Farm to Milngavie and terminating in the stream at the northmost corner of inclosure marked No. 665 on said Ordnance Survey map:

A scour drain or pipe (Work No. 5) situate in the parish of Old Kilpatrick and county of Dumbarton commencing in the road leading from Wester Cochno Farm to Faifley Road at a point near the eastmost corner of inclosure marked No. 513 on said Ordnance Survey map and terminating in a stream running along the east boundary of inclosure marked No. 597 on said Ordnance Survey map at a point one hundred and thirty yards or thereby measured southwards along the said east boundary from the north-east corner of the said inclosure:

A deviation or diversion (Work No. 9) of the road of access being Work No. 6 authorised by the Order of 1906 in the parish of Killearn and county of Stirling commencing the said deviation at a point nine hundred yards or thereby east from the point of commencement of the road of access Work No. 6 of the Order of 1906 and near the north-eastmost corner of Burncrooks Reservoir and terminating at the west side of the inclosure marked No. 57 on the said Ordnance Survey map of the county of Stirling immediately to the south of the sheep-pass through the plantation marked No. 52 on said Ordnance Survey map:

A deviation or diversion (Work No. 10) of the conduit or line of pipes being Work No. 10 authorised by the Order of 1906 commencing the said deviation in the parish of Drymen and county of Stirling at a point six hundred and thirty-five yards or thereby north-east from the junction of Carling Burn with Burncrooks Burn and five hundred and forty yards or thereby north of the boundary

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between the parishes of Drymen and Killearn and terminating in the parish of Strathblane and county of Stirling at a point on the Stockiemuir Road thirty yards or thereby north of the junction with the Stockiemuir Road of the public road from Blanefield railway station.

Power to make subsidiary works.

6. The Trustees in addition to the waterworks authorised by this Order and in connexion therewith may upon or in the lands which they are authorised to acquire or use for the purposes thereof make erect and maintain all such embankments dams weirs intake weirs bywash channels bridges roads accesses approaches wells tanks gauges filter-beds sluices outlets drains aqueducts culverts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connexion with or subsidiary to the waterworks or any of them but nothing in this section shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Trustees shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to acquire lands for works.

7. Subject to the provisions of this Order the Trustees may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Order.

Power to deviate laterally and vertically.

8. In the construction of the works authorised by this Order the Trustees may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

For protection of Sir Archibald

9. The following provisions shall have effect and shall be binding upon the Trustees for the protection of Sir Archibald

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Spencer Lindsey Campbell Baronet and other persons interested in Craigton Bleachworks (that is to say):—

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Spencer
Lindsey
Campbell
and others.

(1) The scour drain or pipe which the Trustees propose to put on the line of the main pipe along the Stockiemuir Road near Craigangawn Quarry and at the Shank Burn and which will discharge into the Craigton Burn and the Shank Burn respectively shall be used for cleansing the said main pipe only when the aforementioned streams are in flood and at such times as shall be convenient for the tenants or occupiers of the subjects presently known as the Craigton Bleachworks but at no other time without the consent of the tenants of Craigton Bleachworks whose consent shall not be unreasonably withheld. At least twelve hours' notice shall be given to the tenants or occupiers of the Craigton Bleachworks before any scouring takes place:

(2) The Trustees shall construct a scour pipe or drain from the scour valve to be placed on the main at the Cauldstream Burn so as to convey the water discharged from the said scour valve into the stream on the east side of the private road leading from the Stockiemuir Road to Craigton Bleachworks and shall also convey to the same point by means of a scour drain or pipe the water discharged from the scour valve to be placed on the main at the junction of the afore-mentioned private road with the Stockiemuir Road provided that the Trustees shall put in an additional pipe of not less than eighteen inches in diameter across the footpath leading from the Craigton Bleachworks to Milngavie immediately to the south of the Craigton Bleachworks:

(3) If any difference arise between the parties touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff on the application of either party and the decision of such arbiter shall be final.

10. The Trustees shall abandon the construction of so much of the road of access Work No. 6 and of the conduit or line of

Abandon-
ment of
parts of

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authorised
works.

pipes Work No. 10 both respectively authorised by the Order of 1906 as respectively lies between the respective points of commencement and termination of the said deviations or diversions authorised by this Order and shall relinquish all lands and property authorised by the Order of 1906 to be taken for the purposes of the portions of the said road of access and of the said conduit or line of pipes which may be abandoned but excepting and reserving such portions of the said lands and property as may be required and taken for the execution of the deviations or diversions authorised by this Order.

Compensa-
tion for
damage to
land by
entry &c.
for purposes
of works
abandoned.

11. The abandonment by the Trustees under the authority of this Order of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Trustees on such land for the purpose of surveying and taking levels or probing and boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Trustees to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Order of 1906 or the Acts therewith incorporated.

Power to
alter roads
temporarily.

12. For the purposes and during the execution of the several works which the Trustees are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Trustees may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes paths bridges passages sewers drains watercourses gas-pipes and water-pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such streets highways roads lanes paths bridges or passages or the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse or pipe and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with

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electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply. A.D. 1909.

13. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Persons under disability may grant servitudes &c.

14.—(1) The Trustees may in lieu of acquiring any lands for the purposes of the conduits or lines of pipes authorised by this Order where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes describing the nature thereof and the provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts. Trustees may acquire servitudes only in certain cases.

(2) As regards any lands in respect of which the Trustees have acquired servitudes only under the provisions of this section the Trustees shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided always that nothing in this section contained shall authorise the Trustees to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Trustees to acquire the lands in respect of which they have given notice to treat for the acquisition of

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A.D. 1909. a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision.

Acquisition
of lands.

15. The Trustees may subject to the provisions of this Order purchase take and acquire compulsorily or by agreement and may enter upon take hold use and appropriate the following lands as shown on the deposited plans and described in the book of reference or such part or parts thereof as the Trustees may require for the purposes of their water undertaking The said lands are the following:—

- (1) Portions of land and stream on the east and west sides of Stockiemuir Road adjoining Garvel Bridge and on both sides of and including the Allander Water partly in the parish of Strathblane and county of Stirling being portions of inclosures marked Nos. 296 and 508 on the said Ordnance Survey map of the county of Stirling and partly in the parish of New Kilpatrick and county of Dumbarton being portions of inclosures marked Nos. 1 and 3 on the said Ordnance Survey map of the county of Dumbarton:
- (2) A portion of land in the parish of New Kilpatrick and the county of Dumbarton being part of the inclosure marked No. 3 on the Ordnance Survey map of the county of Dumbarton lying on the east side of Stockiemuir Road between said road and Allander Water and about four hundred yards south of Garvel Bridge:
- (3) A portion of land in the parish of New Kilpatrick and county of Dumbarton on the east side of Stockiemuir Road being part of the inclosures marked Nos. 12 and 13 on said Ordnance Survey map near Auldmurroch Old Tollhouse:
- (4) A portion of land in the parish of New Kilpatrick and county of Dumbarton on the east side of Stockiemuir Road and directly east of Craigangawn Quarry being part of inclosure No. 11 on said Ordnance Survey map:
- (5) A portion of land in the parish of New Kilpatrick and county of Dumbarton lying on the east side of Stockiemuir Road being part of inclosure marked No. 38 on the said Ordnance Survey map and situated in the northmost corner of that inclosure:

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- (6) A portion of land in the parish of New Kilpatrick and county of Dumbarton lying on the east side of Stockiemuir Road forming part of inclosure marked No. 36 on said Ordnance Survey map and situated at the southern end of that inclosure: A.D. 1909.
- (7) A portion of land in the parish of New Kilpatrick and county of Dumbarton lying on the east side of Stockiemuir Road and extending from the north end of inclosure marked No. 863 on the said Ordnance Survey map southward along the east side of said road for three hundred and fifty yards or thereby:
- (8) A portion of land in the parish of New Kilpatrick and county of Dumbarton being parts of inclosures marked Nos. 895 958 957 on the said Ordnance Survey map bounded on the north by the public road leading from Baljaffray Works to Milngavie and extending for fifty yards or thereby on both sides of the farm road leading to South Baljaffray Farm and bounded on the south by the south boundary line of inclosure marked No. 957 and the extension eastwards thereof:
- (9) A portion of land in the parish of New Kilpatrick and county of Dumbarton situate in the north-east corner of inclosure marked No. 944 on said Ordnance Survey map bounded on the north by the public road from Garscadden to Baljaffray along which it extends one hundred yards westwards from the east corner of said inclosure:
- (10) A portion of land in the parish of New Kilpatrick comprising inclosure marked No. 1286A on the said Ordnance Survey map and inclosures marked Nos. 573 and 574 on the said map and lying in the parish of Old Kilpatrick all in the county of Dumbarton:
- (11) A portion of land in the parish of Old Kilpatrick and county of Dumbarton and situate in the south-west corner of inclosure marked No. 587 on the said Ordnance Survey map.

16. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order. Limit of time for purchase of lands.

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Period for
completion
of works.

17. If the works authorised to be constructed by this Order are not completed within four years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Trustees for executing any of the said works not so completed shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying duplicating increasing adding to or removing any of their conduits aqueducts lines of pipes or filter-beds at any time and from time to time as occasion requires for the purpose of supplying water within the limits of the Order of 1906 and for the purposes of the Trustees' undertaking.

Extension of
time for
purchase of
lands.

18. The powers granted by the Order of 1906 for the compulsory purchase of lands for the purposes of the following works therein described and authorised to be constructed (that is to say) :—

Reservoir Work No. 1 with the embankments thereof ;

Road of access Work No. 2 ;

Reservoir Work No. 3 ;

Catchwater conduit or aqueduct Work No. 4 ;

Conduit or line of pipes Work No. 7 ;

Filters and pure water tanks Work No. 11 ;

are hereby extended and shall continue in force and may be exercised by the Trustees for the further period of three years from the twenty-ninth day of November one thousand nine hundred and nine.

Extension of
time for com-
pletion of
works.

19. The powers granted by the Order of 1906 for the completion of the works Nos. 1 2 3 4 7 and 11 authorised by that Order are hereby extended and shall continue in force and may be exercised by the Trustees for the further period of three years from the twenty-ninth day of November one thousand nine hundred and thirteen and on the expiration of that period those powers shall cease.

Estimate &c.
by Trustees
to include
purposes of
this Order.

20. The estimate required to be made and the assessment and rates rents and charges authorised and required to be levied by the Trustees under and for the purposes of the Order of 1906 shall be levied so that the same shall include and be sufficient with the other revenues of the Trustees not only for the purposes specified in the Order of 1906 but also for the purposes of this Order.

21. The Trustees shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of April last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of April but have been or shall be subsequently so occupied.

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Restriction
on taking
houses of
labouring
class.

If the Trustees acquire or appropriate any house or houses under the powers by this Order granted in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them and "house" means any house or part of a house occupied as a separate dwelling.

22. The Trustees may at any time for the purpose of repairing or of cleansing any existing works of the Trustees or any of the conduits or other works authorised by this Order cause the water in any such conduits or other works to be temporarily discharged into any available drain stream or water-course.

Powers for
repair of
aqueducts
and tem-
porary dis-
charge of
water into
streams.

In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

23. The powers to borrow and raise money contained in the Order of 1906 and to grant security for such borrowed money

As to exist-
ing borrow-
ing powers.

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Application
of Order of
1906.

24. Subject to the provisions of this Order all the powers and provisions contained in the Order of 1906 with reference to the undertaking of the Trustees shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Order.

Costs of
Order.

25. All the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the rates to be levied by them or other revenue of the Trustees or from moneys borrowed and to be borrowed on the security of the same Provided that if the said costs charges and expenses be paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

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