

[56 & 57 VICT.] *Blackrock and Kingstown Drainage [Ch. ccxxiv.]*
and Improvement Act, 1893.



CHAPTER ccxxiv.

An Act to constitute a Joint Drainage Board for the township of Blackrock and the township of Kingstown in the county of Dublin to confer powers on such Board for the construction of sewers and other purposes to confer additional powers on the Blackrock and Kingstown Township Commissioners and for other purposes. A.D. 1893.

[12th September 1893.]

WHEREAS the townships of Blackrock and Kingstown in the county of Dublin are urban sanitary districts under the provisions of the Public Health (Ireland) Act 1878 and the respective Commissioners of the said townships are under the said Act the urban sanitary authorities for the said districts respectively :

And whereas the local and personal Acts following are wholly or partially in force in the said townships respectively (that is to say) :—

In the Blackrock township—

The Blackrock Township Act 1863 ;

In the Kingstown township—

The Kingstown Improvement Act 1861 ;

The Township of Kingstown Act 1869 ;

The Kingstown Township Extension Act 1874 :

And whereas it would be of great advantage to the said townships and to the inhabitants thereof if a system of drainage was established for the township of Blackrock and for so much of the township of Kingstown as is specified in this Act and it is expedient that a joint drainage board be constituted for that purpose and be authorised to construct the sewers and other works in this Act mentioned :

And whereas it is expedient that the additional powers in this Act contained should be conferred upon the Blackrock and Kingstown Township Commissioners respectively :

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And whereas plans and sections describing the lines situation and levels of the works authorised by this Act and showing the lands to be acquired under 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 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 and sections and books of reference":

And whereas an absolute majority of the whole number of the Blackrock Commissioners at a meeting held on the 5th day of October 1892 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Irish Times" a newspaper circulated in the township such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Blackrock Commissioners should promote the Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the borough fund and borough rate and other funds and rates of the township under the control of the Blackrock Commissioners:

And whereas such resolution was twice published in the said "Irish Times" viz. on the 21st and 22nd of November 1892 and has received the approval of the Local Government Board and of the Chief Secretary to the Lord Lieutenant of Ireland:

And whereas the propriety of the promotion of the Bill for this Act was by an absolute majority of the whole number of the Blackrock Commissioners approved at a further special meeting held in pursuance of a similar notice on the 25th day of January 1893 being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the propriety of the promotion of the Bill for this Act was unanimously approved of by a special resolution of the persons qualified to vote at an election of members of the Blackrock Commissioners passed at a meeting summoned and held in conformity with the provisions of section 7 of the Borough Funds (Ireland) Act 1888:

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:—

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PRELIMINARY.

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1. This Act may be cited for all purposes as the **Blackrock and Kingstown Drainage and Improvement Act 1893.** Short title.

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) :— Incorporation of Acts.

The Lands Clauses Acts :

The provisions of the Commissioners Clauses Act 1847—

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

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

The provisions of the Railways Clauses Consolidation Act 1845—

With respect to the temporary occupation of lands near the railway during the construction thereof and sections 7 to 10 and 16 to 22 of the said Act :

And in construing the said Acts or any of them for the purposes of this Act the following words and expressions have the meanings hereby assigned to them unless there be something in the subject or context repugnant thereto (that is to say) The expressions “the promoters” “the promoters of the undertaking” “the undertakers” “the Commissioners” and “the Company” mean respectively the Board by this Act constituted the expression “Commissioner” means member of such Board the expressions “the railway” and “the undertaking” mean respectively the sewers and works by this Act authorised to be executed and sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall be read and have effect as if the expression “clerks of the unions within which such parishes are included in Ireland” were substituted for the expression “postmasters of the post towns in or nearest to such parishes in Ireland” and the words “clerks of the unions” were substituted for the word “postmasters.”

3. In this Act—

“The Board” means the Blackrock and Kingstown Drainage Board constituted by this Act :

“The Blackrock Commissioners” means the Blackrock Township Commissioners :

“The Kingstown Commissioners” means the Commissioners of the township of Kingstown :

“Constituent authority” means the Blackrock Commissioners or the Kingstown Commissioners as the case may be :

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- “The Blackrock township” means the township of that name as defined by the Blackrock Township Act 1863 :
- “The Kingstown township” means the township of that name as defined by the Kingstown Township Extension Act 1874 :
- “The townships” means the Blackrock township and the Kingstown township :
- “The Local Government Board” means the Local Government Board for Ireland :
- “Lands” “premises” “owner” have the respective meanings assigned to them by the Public Health (Ireland) Act 1878 :
- “The Act of 1854” means the Towns Improvement (Ireland) Act 1854 :
- “The Act of 1863” means the Blackrock Township Act 1863.

JOINT DRAINAGE BOARD.

Incorporation of Board.

4.—(1.) There shall be a joint drainage board for the purpose of the construction and maintenance of the works by this Act authorised and for carrying into execution the other purposes of this Act expressed to be carried into effect by such Board and the township of Blackrock and so much of the township of Kingstown as is within the limits set forth in the First Schedule to this Act shall be the district of such Board and shall be called the Blackrock and Kingstown Drainage District.

(2.) Such Board shall consist of eleven members and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of “The Blackrock and Kingstown Drainage Board” with perpetual succession and a common seal and shall have power to sue and to be sued and to purchase take hold and dispose of lands goods chattels and other property and shall have all the other powers and privileges of a body corporate.

Constitution of Board.

5. The constitution of the Board shall be as follows :—

The chairman of the Blackrock Commissioners for the time being ;

The chairman of the Kingstown Commissioners for the time being ;

One nominated member to be nominated by the Local Government Board ;

And eight elective members of whom four shall be triennially elected by the Blackrock Commissioners from among themselves and four shall be triennially elected by the Kingstown Commissioners from among themselves.

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6.—(1.) The first election of elective members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks from the passing of this Act or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of March one thousand eight hundred and ninety-six. A.D. 1893
Elective
members.

(2.) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of March one thousand eight hundred and ninety-six elect from among themselves four members of the Board to hold office till the first Wednesday in the month of March one thousand eight hundred and ninety-nine and so from time to time at the expiration of every successive period of three years.

7. The first nominated member shall be appointed by the Local Government Board within six weeks after the passing of this Act or within such further time as they may by order appoint. He shall hold office during the pleasure of the Local Government Board who may at any time remove him and on the death resignation or removal of any nominated member the Local Government Board may from time to time appoint another in his stead. Nominated
member.

8. If either constituent authority fail to elect first elective members of the Board or if the Local Government Board fail to nominate a first nominated member of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if either constituent authority fail to elect members of the Board at any subsequent period of election the then existing members of the Board representing such authority shall continue in office till their successors are appointed. Provisions
where failure
to elect
members.

9.—(1.) The first chairman of the Board shall be the chairman of the Blackrock Commissioners who shall hold office till the first meeting of the Board after the election of new members in March one thousand eight hundred and ninety-six when an election for a chairman shall take place who shall hold office till the first meeting of the Board after the election of new members in March one thousand eight hundred and ninety-nine and so on in each successive period of three years. Chairman of
Board.

(2.) If any chairman so appointed dies resigns or becomes incapable of acting another member shall be appointed to be chairman for the period during which the person so dying resigning or becoming incapable would have been entitled to continue in office.

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(3.) If the chairman is absent from any meeting the members present may appoint one of their number to act as chairman thereat.

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

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

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

11. If a member of the Board elected by a constituent authority ceases to be a member of such constituent authority or becomes disqualified 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.

12. Every member of the Board going out of office shall if otherwise duly qualified be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional vacancies.

13. If any elective member of the Board dies or resigns or is disqualified or ceases to be a member of the Board from any cause or becomes chairman of either constituent authority the Board may if they think fit at any time after the happening of such vacancy appoint a member of the Board in his place from amongst the members of the constituent authority whom he represented and every member of the Board so appointed shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Appointment of members to be certified to Board.

14. Whenever an election of a member of the Board or of chairman of either constituent authority has been made the clerk to the constituent authority by whom the election was made shall by writing under his hand certify the election 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.

15. The Board shall hold their first meeting at the Blackrock Town Hall on the third Wednesday after their appointment at twelve o'clock (unless some other day or time or place shall be appointed

for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) 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. A.D. 1893.

16. 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. Power to call special meetings.

17. 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 or election 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 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 election or in or about any matter preliminary or incidental thereto. Error failure &c. not to invalidate acts done &c.

18. 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. As to convening meetings.

19. The number of members of the Board present to constitute a meeting of the Board shall be four. Quorum.

20. 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 and all officers and servants so appointed shall be removable by the Board at their pleasure. Officers of Board.

21. 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. Compensation to officers.

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Same person
may be officer
of board and
constituent
authority.

22. 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 but no member of the Board or of either constituent authority shall be an officer of the Board.

Byelaws.

23. For the purposes of this Act the Board may from time to time make all such byelaws as they deem necessary or desirable for the due execution of this Act.

Certain
provisions
of Public
Health Acts
to apply to
Board.

24. For the purposes of this Act expressed to be carried into effect by the Board the following sections of the Public Health (Ireland) Act 1878 and of the Public Health Acts Amendment Act 1890 shall apply and the Board shall for the purposes aforesaid have within their district in addition to the powers by this Act conferred all the powers rights immunities and privileges of an urban sanitary authority under the said sections so far as the same are applicable and not inconsistent with the provisions of this Act and this Act shall be the Act referred to as "this Act" in the said sections:—

Of the Public Health (Ireland) Act 1878—

Sections 18 20 21 22 23 29 and 30 relating to sewerage.

Sections 200 and 201 relating to contracts.

Sections 202 203 and 204 relating to the purchase of lands.

Sections 209 and 210 relating to inquiries.

Sections 219 to 223 relating to byelaws.

Sections 237 238 and 247 relating to borrowing.

Sections 240 241 242 and 243 relating to mortgages.

Section 248 relating to audit of accounts.

Sections 249 to 252 and 256 to 264 relating to prosecution of offences and recovery of penalties &c.

Sections 265 266 and 267 relating to notices.

Sections 270 to 274 relating to miscellaneous matters.

Of the Public Health Acts Amendment Act 1890—

Sections 16 17 and 18.

Contribution
to expenses
of audit.

25. The several provisions of the 248th section of the Public Health (Ireland) Act 1878 relating to the accounts of sanitary authorities and the audits thereof shall be applicable to the accounts of the Board and the Board shall contribute to the salary of the auditor appointed to audit the accounts of the Board such sum as shall from time to time be determined by the Local Government Board. The amount of the said contribution shall be paid accordingly by the Board in the manner provided by the sixth section of the Local Government Board (Ireland) Act 1872 with respect to contributions by public bodies to salaries of auditors.

SEWERS AND WORKS.

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26. Subject to the provisions of this Act the Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers and works herein-after described or some or one of them together with all necessary and proper appliances works and conveniences incidental or subsidiary thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose The sewers and works herein-before referred to are the following:—

Power to
make sewers
and works.

A sewer (No. 1) commencing at a point in the townland of Intake in the parish of Booterstown on the Rock Road and terminating at the tank or tanks and pumping station (Work No. 7) in the townland of Dunleary in the parish of Monkstown :

A sewer (No. 2) commencing at a point in the townland of Intake in the parish of Booterstown on the Rock Road and terminating in a pumping station (Work No. 6) communicating with sewer No. 1 :

A sewer (No. 3) commencing at a point in the townland of Dunleary in the parish of Monkstown near the north corner of Longford Place where it joins Dunleary Hill and terminating at the tank or tanks and pumping station (Work No. 7) in the townland of Dunleary in the parish of Monkstown :

A sewer (No. 4) commencing at a point in the townland of Dunleary in the parish of Monkstown near the level crossing over the Dublin and Kingstown Railway near the gasworks at Kingstown Harbour and terminating at the tank or tanks and pumping station (Work No. 7) in the townland of Dunleary in the parish of Monkstown :

A sewer (No. 5) commencing at a point in the outlet from the tank or tanks and pumping station (Work No. 7) in the foreshore or extra parochial place bed of the sea west of the west pier of Kingstown Harbour and terminating by an outlet in the extra parochial bed of the sea west of the west pier of Kingstown Harbour at a point distant 1165 yards or thereabouts measured in a north-easterly direction from the present sea outlet of the Board of Works sewer :

A pumping station (Work No. 6) situated in the townland of Intake in the parish of Booterstown and within the limits herein-after described for (Work No. 6):

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A tank or tanks and pumping station (Work No. 7) situated in the townland of Dunleary in the parish of Monkstown and in the bed of the sea west of the west pier of Kingstown Harbour and within the limits herein-after described for (Work No. 7) Provided that notwithstanding anything in this Act no works for the precipitation of or for otherwise dealing with sewage shall at any time be constructed by the Board on the site of the proposed tank or tanks and pumping station (Work No. 7) or within the limits for that work described on the deposited plans.

Any deviation of sewer No. 4 to be subject to agreement.

27. If the Kingstown Commissioners at any time within three months from the passing of this Act by writing under their common seal require the Board to alter the sewer No. 4 then the said sewer shall be constructed in such manner as shall be within the powers of this Act and as shall be agreed upon between the said Commissioners and the Board or as in default of agreement shall be settled by an engineer to be appointed by the Local Government Board on the application of either party Provided that such engineer may decide that no alteration is required. Provided also that in case of any alteration of sewer No. 4 under the provisions of this section the said sewer as so altered shall still be deemed a work constructed on behalf of Kingstown township and the expenses thereof charged as separate expenses accordingly.

The provisions of this section shall be deemed to extend to and include any alteration of the sewer of the Kingstown Commissioners in and near Crofton Road which the Kingstown Commissioners may think requisite.

Provisions as to part of township not included.

28.—(1.) The Kingstown Commissioners shall under the powers and subject to the provisions of the Public Health (Ireland) Act 1878 construct such main or other sewer as may be required for the purpose of intercepting or receiving the sewage of the part of their township not included in the district of the Board and such pumping station and other works as may be necessary for enabling the sewage so intercepted to pass into the sewers of the Board.

(2.) Such sewer pumping station and works shall be constructed in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the Board and under his superintendence (if the Board so desire) and to his satisfaction in all respects.

(3.) The money required for the construction of the said sewer pumping station and works not exceeding five thousand pounds or such further sum as the Board may sanction shall be provided by

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the Board out of the money to be borrowed by them under this Act and shall be paid by them to the Kingstown Commissioners as the work proceeds in such instalments as the Board may fix and on the certificate from time to time of the engineer of the Board of the construction of the works to his satisfaction Provided that the Board may if they think fit pay the first instalment before the commencement of the work. A.D. 1893.

(4.) When the said sewer pumping station and works are certified by the engineer of the Board to be completed to his satisfaction the same shall vest in the Board and shall thenceforth be held and maintained by the Board in the same manner as the sewers and works by this Act authorised.

(5.) As soon as the sewers and works constructed by the Board under the powers of this Act shall be effectual to intercept and receive the sewage of their district of which a certificate by the Local Government Board shall be conclusive evidence as against the Kingstown Commissioners the said Commissioners shall connect with the sewers and works of the Board such main or other sewer as shall have been constructed by them under this section.

(6.) Such connexion shall be made at the expense of the Kingstown Commissioners and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Board and in accordance with a plan to be first submitted to and approved by him.

(7.) If and so soon as such connexion shall be made the whole of the Kingstown township shall be included in the district of the Board and this Act shall be read and construed as if the district of the Board included the whole of such township.

(8.) A certificate by the Local Government Board that such connexion has been made shall be conclusive evidence in all courts and proceedings that the whole of the Kingstown township has been included in the district of the Board and in any proceeding judicial notice shall be taken of the seal or signature to such certificate and it shall not be necessary to give any proof of the same.

(9.) All moneys paid by the Board to the Kingstown Commissioners under this section and all expenses of the maintenance of the said sewer pumping station and works and of the working of the said pumping station shall be separate expenses of the Kingstown township and are herein-after in this Act referred to as "expenses under section twenty-eight of this Act."

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Sewers to
be covered.

29. The said sewers (No. 1) (No. 2) (No. 3) (No. 4) and (No. 5) except the outlet thereof shall be constructed as covered sewers with such ventilators manholes or conveniences as may be necessary or desirable.

For protec-
tion of the
Dublin
Wicklow
and Wexford
Railway
Company.

30. For the protection of the Dublin Wicklow and Wexford Railway Company (herein-after called "the Wicklow Company") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the Wicklow Company and the Board (that is to say) :—

- (1.) The Board shall not commence the execution of any works for carrying the sewers No. 1 and No. 3 under across or alongside the Dublin and Kingstown Railway unless and until (1) the Board shall have delivered to the Wicklow Company plans drawings and sections of the works for so carrying the said sewers as aforesaid 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 the said 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 and (2) unless and until the Wicklow Company shall have elected not to construct the said works or other works in this section mentioned in connexion therewith as by sub-section (10) of this section herein-after provided :
- (2.) In constructing the said sewers or either of them under and across the said railway the Board shall not carry the same nearer to the surface of the rails of the said railway than two feet except with the consent in writing of the Wicklow Company under their common seal :
- (3.) The works for carrying the said sewers under across or alongside the said railway shall be of such dimensions and character in such lines and at such levels as to admit of the same being made and kept in repair without any danger prejudice or obstruction to the said railway or interruption to the traffic thereon and where the works are carried alongside of the said railway they shall be constructed at a distance not nearer than the centre line of the works as shown upon the deposited plans :

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- (4.) The Board shall before commencing to use the said sewers construct and thereafter maintain a concreted footpath at least as wide as that now existing on the side of the said railway between a point commencing at the townland boundary between Dunleary and Seapoint on the Dublin side of Salthill Station and terminating at the eastward termination of the sea wall eastward of Salthill Station and nothing in this Act shall empower the Board to interfere with the free use by the public of the path and ground as at present lying between the said railway and the sea nor to enclose or keep enclosed any of the land belonging to or leased or occupied by the Company between the west pier of Kingstown Harbour and the stone bridge north of Salthill Station marked 20 in the townland of Seapoint on the deposited plans : A.D. 1893.
- (5.) So much of the said sewers and of the works as are referred to in this section shall be constructed in accordance with plans sections and specifications to be approved as aforesaid and if and in so far as constructed by the Board shall be so constructed under the superintendence and to the reasonable satisfaction of the engineer of the Wicklow Company who from time to time during construction of such portion of the sewers 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 said railway and works connected therewith and the non-interruption of the traffic thereon as he thinks proper 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 :
- (6.) The Board shall not construct or use any manhole or ventilator in connexion with their said sewers or works in any place where the same shall be constructed upon property owned by or leased to the Wicklow Company so as to be a nuisance or in any position without the permission of the Wicklow Company in writing first had and obtained and in a case of a manhole or ventilator the same shall be constructed according to a plan to be previously approved of in writing by the Wicklow Company's engineer and they shall not utilise any part of their sewers where the same passes under across or alongside the said railway for the storing or holding of sewage in the nature of a tank or otherwise than for the continuous flow of sewage :

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- (7.) The Board shall at all times provide proper storm overflows or pumps so as to prevent the flooding of the said railway by reason of the proposed new works or any defect in the same :
- (8.) If from any cause whatever after the construction of the works by this Act authorised it appears to the engineer of the Wicklow Company that the foreshore between the west pier of Kingstown Harbour and Merrion be fouled or otherwise in any way injuriously affected by the sewage causing a deposit on the said foreshore or otherwise the Wicklow Company may compel the Board to carry out such other works or adopt such other means as the Wicklow Company consider necessary to prevent the sewage from fouling or injuriously affecting the said foreshore or otherwise as aforesaid. Provided always that if at any time any difference shall arise between the Wicklow Company and the Board as to any actual fouling caused by the said sewage the same shall be from time to time referred on the application of either party to an engineer to be appointed by the Local Government Board who shall decide whether there is any actual fouling and as to the works to be constructed so as to abate the same and his decisions shall be final and the costs of such arbitrations shall be borne and paid by the Board unless in the opinion of the arbitrator the complaint is unreasonable :
- (9.) The Board shall within five years after the date of the passing of this Act remove the existing nuisance caused by the discharge of sewage matter from the townships upon the lands or premises belonging to or leased or occupied by the Wicklow Company and shall also construct such works subject to the approval of the engineer of the Wicklow Company as may be necessary to prevent the discharge of sewage matter upon the said lands and premises and to prevent the fouling or pollution of the watercourses or drains in connexion with the said railway of the Wicklow Company or belonging to or used by the Wicklow Company :
- (10.) After the receipt by the Board of the certificate mentioned in sub-section (1) of this section and before commencing to construct any of the sewers or works in this section mentioned or referred to the Board shall give to the Wicklow Company at least twenty-one clear days notice in writing of the intention of the Board to commence such construction and the Wicklow Company may at any time before the expiration of the said

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period of twenty-one clear days give to the Board notice in writing that the Wicklow Company themselves intend to construct the whole or some part or parts of the said sewers and works so far as the same cross the railway or are within a distance of fifteen feet from the nearest rail of the railway of the Wicklow Company except between the townland boundary of Dunleary and Seapoint and the tanks where the distance shall be ten feet instead of fifteen feet and thereupon the Wicklow Company may and they are hereby authorised to construct the same at the expense in all things of the Board and shall commence the same within two months from the expiration of the said period of twenty-one days : A.D. 1893.

(11.) The Board shall maintain the said sewers and other works when constructed situated under across or alongside the line of the Wicklow Company's said railway and shall also maintain the sea-wall and ramp and the retaining walls on the sea side of the said railway under across or alongside of which the said sewers or works in connexion therewith shall be situated from the townland boundary between Dunleary and Seapoint to the eastern termination of the sea-wall to the eastward of Salthill Station and the said sewers and works shall at all times be open to the inspection of the engineer inspector or other officer of the Wicklow Company :

(12.) The Board shall forthwith on demand pay to the Wicklow Company all costs and expenses properly incurred by the Wicklow Company in and about the preparation investigation and approval of the plans drawings and specifications in this section mentioned and in and about the employment of inspectors and watchmen during the construction of the said sewers and works and of and incident to any arbitration which may be held under this section and shall also pay the expenses of the construction of such of the works (if any) as shall be constructed by the Wicklow Company themselves under this Act and also in and about the inspection or maintenance of any of the said sewers and works or otherwise in relation thereto such expenses to be recovered with full costs of suit by the Wicklow Company in any court of competent jurisdiction :

(13.) The Board shall not without the consent of the Wicklow Company in writing under their common seal take or acquire any part of the Wicklow Company's lands used as a railway or for sidings stations or works connected therewith but where any part of the works authorised by this Act is to be executed in or upon any land belonging to or leased or occupied by the Wicklow Company the Board may acquire an easement or right

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of making and maintaining the work on that land in such a manner as not to prejudice any part of the said railway or the works and conveniences connected therewith or the passage of traffic along and upon the said railway and except as aforesaid nothing in this Act contained shall authorise the Board to enter upon any land or property belonging to or leased or occupied by the Wicklow Company without their consent:

(14.) Nothing in this Act contained shall in any way prejudice or affect the rights of the Wicklow Company to compensation under the Lands Clauses Acts for compulsory taking or user of lands or easements or exempt the Board from any proceedings on account of any nuisance caused by them on the said Dublin and Kingstown Railway or on any land or property belonging to or leased or occupied by the Wicklow Company.

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

31. Notwithstanding anything in this Act contained if by reason of the construction repair or reconstruction or failure of any of the works by this Act authorised or required to be made or by reason of the want of repair or due and proper maintenance thereof the said railway of the Wicklow Company or the sea-wall and ramp foundations or fences or works or premises of the said railway shall be injured or damaged or if the same be fouled by sewage such injury or damage shall forthwith be made good by the Board at their own expense and such fouling shall be removed by the Board at their own expense or in the event of their failing to do so then the Wicklow Company may make good or remove 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 accident or injury shall arise to the Wicklow Company or 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 damages costs and expenses to which the Wicklow Company may be put as well as full compensation for the inconvenience loss injury and damage sustained by them by reason of such accident or interruption such compensation costs and expenses to be recovered with full costs of suit by the Wicklow Company in any court of competent jurisdiction.

For pro-
tection of
Kingstown
Harbour.

32. If from any cause whatever after the construction of the works hereby authorised it appears to the Commissioners of Kingstown Harbour that the harbour or property is being in anywise injuriously affected by the sewage causing a deposit in the harbour or otherwise they may compel the Board to carry out such other works or adopt such other means as the said Commissioners consider necessary to prevent the sewage from injuriously affecting the harbour

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as aforesaid and nothing contained in this Act shall authorise the Board the Blackrock Commissioners or the Kingstown Commissioners to take use or in any manner interfere with any portion of Kingstown Harbour or any property of the Commissioners of Kingstown Harbour.

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33. Nothing in this Act shall interfere with diminish or prejudicially affect the rights powers and authority exercised by or vested in the Dublin Port and Docks Board under the Dublin Port and Docks Board Act 1869 for the maintenance preservation and improvement of the Port of Dublin as defined in the second section of that Act or shall authorise any interference with the works or property of the said Board or the Port of Dublin.

Saving rights of Dublin Port and Docks Board.

34.—(1.) The Board shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2.) For the purposes of this section the expression "labouring class" includes mechanics artizans 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 revenue does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

35. Persons empowered by the Lands Clauses Acts to sell and convey or release land may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege not being an easement right or privilege of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Powers to grant easements &c. by agreement.

36. Subject to the provisions of this Act 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 any extent not

Power to deviate.

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exceeding ten feet in a downward direction and six feet in an upward direction. Provided always that no deviation shall be made from the said lines and levels of the said sewers and works where they pass across under or are situated alongside of the said Dublin and Kingstown Railway except in so far as required to construct the works in accordance with the provisions of this Act for the protection of the Wicklow Company or without the consent in writing of the Wicklow Company. Provided also that the Board shall make compensation to all persons injuriously affected by the exercise of the powers of deviation contained in this section. Provided further that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Sewers to
be kept in
repair.

37. 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 so as not to be a nuisance or injurious to health.

Extension of
limits.

38. The limits of the existing Kingstown township shall from and after the commencement of this Act be and the same are hereby extended and enlarged so that the township shall thenceforth include the space between high water and low water mark along the entire sea front of the existing Kingstown township that is from the point on the sea shore where the townships of Kingstown and Blackrock meet except such parts of the said space as are within the limits of Kingstown Harbour or opposite to any property vested in the Commissioners of Kingstown Harbour to the point on the sea shore where the townships of Kingstown and Dalkey meet.

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 cease 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 shall cease except as to so much thereof as shall then be completed.

Board may
grant
licences to
use sewers.

41. The Board may by the vote of two-thirds of the whole members of the Board present at a meeting of the Board specially called with notice of the object from time to time grant to any urban or rural sanitary authority 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 outside the limits of the townships licence to use the sewers by this Act authorised and thereupon the Board may at the expense of the authority or person requiring the

licence make the necessary openings and execute the necessary works in and about the said sewers for giving effect to such licence Any such licence may be granted on such terms and conditions and for such consideration as may be agreed on between the Board and the authority or person desiring to use the sewers. A.D. 1893.

42. No owner or occupier of premises 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 unless such owner or occupier shall have previously entered into an agreement with the Board for the admission of the sewage from the said premises into the sewers of the Board. Owners or occupiers outside the townships not to use sewers unless by agreement previously entered into.

43. Except as may be expressly provided in or by any agreement which may be entered into or made under this Act no sewage shall be allowed to pass directly or indirectly into the sewers authorised by this Act by virtue of such agreement other than and except such sewage as arises upon the premises to which the agreement refers. No sewage from outlying places to pass into sewer except from premises to which agreement refers.

44. 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. Right of constituent authority to use of sewer.

45.—(1.) From and after the construction by the Board of such sewers and works as shall be effectual to intercept and receive the sewage of their district it shall not be lawful for the Blackrock Commissioners or the Kingstown Commissioners to discharge any sewage or allow any sewage to flow on to the foreshore of any part of the district of the Board or into the sea opposite to such foreshore. After construction of works Township Commissioners not to allow any sewage to flow on to foreshore or into sea.

(2.) A certificate by the Local Government Board that the sewers and works of the Board are effectual for the purpose aforesaid shall be conclusive evidence of the fact in all courts and proceedings and for all purposes except as against the Commissioners of Kingstown Harbour.

46.—(1.) The Board may if in their opinion it is desirable for the effectual drainage of their district use any of the sewers and works of the Blackrock Commissioners or Kingstown Commissioners in addition to or in substitution for any of the sewers and works by this Act authorised on such terms and conditions as may be agreed on between the Board and the said Commissioners respectively or as in default of agreement shall be settled by an arbitrator to be appointed by the Local Government Board at the request of any party. Board may use sewers of Township Commissioners.

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(2.) Any moneys payable by the Board under and any expenses incurred by the Board in carrying out the provisions of this section shall be joint or separate expenses as the Board may determine and chargeable accordingly. Provided that if the Commissioners of either township are dissatisfied with any such determination of the Board they may at any time within three months from the making of the same appeal therefrom to the Local Government Board whose decision shall be final.

Notice to be served before breaking up roads.

47. 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 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.

48. 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.

49. Every person who without the licence 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 ten pounds over and above the damage occasioned by the act for the first offence and five pounds for every day on which the offence shall continue after conviction therefor.

BORROWING POWERS.

• Power to borrow.

50.—(1.) The Board may from time to time borrow at interest such sum or sums of money as they think fit not exceeding fifty thousand pounds and in order to secure the moneys so borrowed they may mortgage the contributions calls rates rents and revenue coming to the Board under this Act and for the purpose of obtaining any loan from the Commissioners of Public Works in Ireland the Board shall be deemed to be a Joint Board constituted under the Public Health (Ireland) Act 1878.

(2.) Money borrowed under this section shall be applied firstly in payment of the costs of this Act and secondly in the construction of the sewers and works and purchase of lands and easements by

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this Act authorised and generally in carrying into execution the purposes of this Act expressed to be carried into effect by the Board. A.D. 1893.

(3.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable.

(4.) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

(5.) If having borrowed any money under the provisions of this section the Board pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other money received on capital account not being borrowed money they may reborrow the same and so from time to time Provided that all money so reborrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Board with respect to the repayment of the loan shall not be diminished by reason of such reborrowing. Reborrowing.

51. The Board shall pay off all moneys borrowed by them under the powers of this Act either by equal annual instalments or by equal annual contributions to a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose Provided that it shall not be obligatory on the Board to pay off any money borrowed under this Act or make any appropriations for a sinking fund in respect thereof before the expiration of three years from the passing of this Act. Sinking fund.

52. The Board if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof by means of a loan or loans to be raised by the issue of debenture stock on the security of the contributions calls rates rents and revenue coming to the Board under this Act. Power to issue debenture stock.

53. The Board may in exercise of the powers of the preceding section create and issue debenture stock under and in accordance with the following provisions (that is to say):— As to debenture stock.

(1.) The debenture stock shall bear a fixed rate of interest after a rate not exceeding five pounds per centum per annum payable half-yearly and may be created and issued at such times in such amounts at such price and subject to such conditions as the Board think fit and shall be redeemable at

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par at the expiration of such period not being more than sixty years from the first issue of stock and on such conditions as the Board declare on the first creation thereof :

- (2.) The interest on the debenture stock shall be charged indifferently on the whole of the contributions calls rates rents and revenue coming to the Board under this Act and shall subject to all mortgages subsisting thereon at the time of the first creation of such debenture stock be the first charge thereon :
- (3.) The Board shall from and after the first issue of debenture stock under the powers of this Act keep a book to be called "The Register of Debenture Stockholders" and in such book shall be fairly and distinctly entered from time to time the names and addresses of the holders of debenture stock together with the amount of debenture stock to which such holders shall respectively be entitled and the surnames or corporate names of such holders shall be placed in alphabetical order and every holder and if such holder be a corporation the clerk or agent of such corporation may at all convenient times peruse such book gratis and may require a copy thereof or of any part thereof and for each such copy the Board may demand such sum as they may from time to time appoint not exceeding six pence for every hundred words so required to be copied :
- (4.) The receipt in writing of the corporations and persons in the said register their successors executors administrators or assigns shall be a sufficient and effectual discharge to the Board for any moneys due to such corporations or persons as and when they shall respectively become payable and if any debenture stockholder be by reason of infancy or lunacy unable to give an effectual receipt the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient and effectual discharge to the Board :
- (5.) The certificate of any debenture stock may be in the form in the Second Schedule to this Act annexed or to the like effect and shall be admitted in all courts as *prima facie* evidence of the title of the holder thereof to the debenture stock therein specified :
- (6.) If the certificate of any debenture stock be worn out or damaged then on its being produced to the Board they may order it to be cancelled and thereupon they shall issue a similar certificate to the person who was then entitled to the certificate so worn out or damaged or if any such certificate be lost or destroyed then on proof thereof to the satisfaction

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of the Board they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made by the Board in the register of debenture stock and for every such substituted certificate the Board may demand the sum of two shillings and sixpence :

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- (7.) Debenture stock shall be personal estate :
- (8.) The holders of the debenture stock shall not as among themselves be entitled to any preference or priority.

54. With respect to the transfer of debenture stock the following provisions shall have effect (that is to say) :—

Transfer of
debenture
stock.

- (1.) Debenture stock may be transferred in any amount and every such transfer shall be by deed duly stamped in which the consideration shall be truly stated and such deed may be according to the form in the Third Schedule to this Act annexed or to the like effect and shall not contain any recital trust power or proviso whatsoever :
- (2.) The Board shall keep a book to be called "The Register of Transfers of Debenture Stock" and every such deed of transfer when duly executed shall be delivered to and kept by the Board and they shall enter a memorial of every such deed of transfer in such book and shall endorse such entry on the deed of transfer (such endorsement to be signed by their clerk) and shall on demand deliver a new certificate to the transferee and for every such entry of a deed of transfer with such endorsement and with or without such certificate the Board may demand any sum not exceeding two shillings and sixpence and on the request of any transferee an endorsement shall be made on the certificate of the debenture stock so transferred instead of a new certificate being granted and such endorsement being signed by their clerk shall be considered in every respect the same as a new certificate and until such deed of transfer shall be so delivered to the Board the Board shall not be affected thereby nor shall the transferee be entitled to receive any part of the interest on the debenture stock transferred :
- (3.) The Board may close the register of transfers for any period not exceeding fourteen days before each half-yearly day for the payment of interest and any transfer made during the time the register is closed shall as between the Board and the transferee but not otherwise be deemed made after that time :
- (4.) If any debenture stock become transmitted in consequence of the death or bankruptcy of any holder thereof or by any lawful means other than by a transfer according to the pro-

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visions of this Act such transmission shall (if required by the Board) be authenticated by a declaration in writing as by this Act provided and until such transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest on any part of the debenture stock transmitted :

(5.) Every such declaration shall state the manner in which and the party to whom the debenture stock is transmitted and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in the High Court of Justice in Ireland and such declaration shall be left with the Board and thereupon they shall enter the name of the person entitled to such transmission in the register of transfers and for every such entry the Board may demand the sum of two shillings and sixpence :

(6.) If the transmission be by virtue of any testamentary instrument or by intestacy the probate of the will or the letters of administration or an official extract therefrom shall with the declaration be produced to the Board who shall upon such production in either of these cases make an entry of the declaration in the register of transfers and for every such entry the Board may demand the sum of two shillings and sixpence.

Board not
to be bound
to regard
trusts.

55. The Board shall not be bound to see to the execution of any trusts whether express or implied or constructive to which any debenture stock may be subject and the receipt of the person in whose name such debenture stock stands in the register shall from time to time be a sufficient discharge to the Board for any money payable in respect of such debenture stock notwithstanding any trusts to which such debenture stock may then be subject and whether or not the Board have had notice of such trusts and the Board shall not be bound to see to the application of the money paid upon such receipt.

Interest on
debenture
stock to be
recovered
by action.

56. If the interest of any debenture stock or any part thereof being payable be not paid upon demand thereof in writing made to the Board by the holder thereof such holder may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Application
of sinking
fund.

57. The Board may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund shall have been established Provided that they pay in each year into the sinking fund and accumulate until the whole of the principal moneys in

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respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the principal moneys so paid off or discharged. Provided also that whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of the principal moneys then outstanding and to be paid off by means of such fund the Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

58. All sums paid into any sinking fund created by the Board under the powers of this Act shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or on any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any other local authority within section 34 of the Local Loans Act 1875 or of any urban sanitary authority as defined by the Public Health (Ireland) Act 1878 but no such investment shall be made upon any securities of the Board or of either of the constituent authorities.

Sinking
fund how
to be
invested.

59. If at the expiration of six months from the time when any principal money or interest has become due to any mortgagee or debenture stockholder and after demand in writing the same is not paid the mortgagee or debenture stockholder entitled thereto may without prejudice to any other mode of recovery apply for the appointment of a receiver to the High Court of Justice in Ireland and the court may appoint some person to collect and receive the whole or a competent part of the contributions calls rents rates and revenue liable to the payment of principal or interest in respect of which the application is made until such principal or interest or both as the case may be together with the costs of the application and collection are fully paid. On such appointment being made all such contributions calls rents rates and revenue or such competent part thereof as aforesaid shall be paid to the person appointed and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees or debenture stockholder or stockholders having a charge on such revenue and shall be rateably apportioned between them and any receiver so appointed may exercise all the powers and remedies by this Act conferred upon the Board or any receiver appointed by the Board for the recovery of calls from a constituent authority.

Appoint-
ment of
receiver.

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Annual
return to
be made to
the Local
Government
Board with
respect to
sinking
fund.

60. The clerk to the Board shall within thirty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such 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 and the interest thereon 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 the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by the parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Board have failed to pay any instalment or 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 or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may if they think fit 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 Queen's Bench Division of the High Court of Justice in Ireland.

Protection
of lenders
from inquiry.

61. A lender of money to the Board under this Act shall not be bound to inquire respecting the observance by them of any of the provisions of this Act or bound to see to the application or be answerable for any loss non-application or mis-application of the money lent or any part thereof.

Apportion-
ment of
expenses
between the
townships.

62. The following provisions shall apply and have effect with respect to the division of the expenses of constructing and maintaining the sewers and works by this Act authorised and of the other expenses of the Board.

(1.) The sewer (No. 1) the sewer (No. 2) and the pumping station (Work No. 6) and all works immediately connected

therewith shall be deemed works constructed on behalf of the Blackrock township and the expenses of the construction and maintenance thereof (including all outlay for the purchase of land and for consequential or other damage) and including all expenses arising under sections 30 and 31 of this Act in connexion therewith except as herein-after provided shall be deemed separate expenses and be chargeable to the Blackrock township accordingly :

(2.) The sewer (No. 3) and the sewer (No. 4.) and all works immediately connected therewith shall be deemed works constructed on behalf of the Kingstown township and the expenses of the construction and maintenance thereof (including all such outlay as aforesaid) and including all expenses arising under sections 30 and 31 of this Act in connexion therewith except as herein-after provided and all expenses under section 28 of this Act shall be deemed separate expenses and be chargeable to the Kingstown township accordingly :

(3.) Sewer (No. 5) and Work No. 7 and all works immediately connected therewith shall be deemed joint works constructed on behalf of the townships jointly and the expenses of the construction and maintenance thereof (including all such outlay as aforesaid) shall be deemed joint expenses and be chargeable to the townships jointly Provided always that within three months from the passing of this Act or such further time not exceeding six months as the Board may by resolution allow the Kingstown Commissioners may give notice in writing under their common seal to the Board that the pumping station included in Work No. 7 is not required for the pumping of the sewage from any part of their township or is required for the pumping of the sewage from such portion only of their township as the notice shall specify and thereupon the Kingstown Commissioners shall not be entitled to pass their sewage to the pumping station except to the extent so specified and if such notice states that the pumping station is not required for the pumping of the sewage from any part of the Kingstown township then the expenses of the construction maintenance and working of the pumping station shall be deemed separate expenses of the Blackrock township and chargeable to that township accordingly but if such notice states that the pumping station is required for the pumping of the sewage from such portion only of the Kingstown township as specified in the notice then the expenses of the construction maintenance and working of the pumping

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station shall be deemed joint expenses and shall (notwithstanding any other provisions of this Act) be chargeable to and apportioned between the townships in the proportions of the respective rateable values of the portion of the Kingstown township specified in such notice and of the portion of the Blackrock township the sewage of which is pumped by the pumping station such rateable value to be ascertained from time to time according to the Acts relating to the valuation of rateable property in Ireland for the time being in force:

- (4.) All other expenses of the Board including all expenses which may be incurred under the provisions of sub-section (8) of section 30 shall be deemed joint expenses and shall be chargeable to the townships jointly.

Annual estimate of expenditure to be made by Board.

63.—(1.) 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 instalments and for all contemplated expenditure not chargeable to capital account and current expenses of the Board.

(2.) The estimate shall distinguish between the expenses for which the townships are jointly liable and the expenses for which each township is separably liable under the provisions of this Act.

For ascertaining the amount of the contributions by each constituent authority.

64. The amount of the estimate shall be divided and apportioned between the townships in the manner following (that is to say):—

- (1.) The expenses by this Act declared to be joint expenses shall except as otherwise in this Act provided be divided between the townships in the proportions of the respective rateable values of the Blackrock township and the portion of the Kingstown township within the district of the Board as ascertained for the time being under the Acts relating to the valuation of rateable property in Ireland for the time being in force:
- (2.) To the respective amounts so ascertained for each township shall be added the separate expenses chargeable to that township under the provisions of this Act and the total shall be the amount which each township 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 each constituent authority.

65. For the purpose of the division and apportionment by the Board of the costs of this Act as joint expenses between the townships the whole of the Kingstown township shall be deemed to be included in the district of the Board as from the passing of this Act and the said costs shall be divided and apportioned accordingly.

A.D. 1893.

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Apportionment of costs of Act.

66. 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.

Board to make requisition to constituent authorities for contributions.

67. 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 pounds per centum per annum as the Board may determine.

Interest on contributions in arrear.

68. 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):—

Recovery of calls in arrear.

(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

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pay the amount of the call and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate 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 Queen's Bench Division of the High Court of Justice 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 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 and 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.

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

Drainage
rate.

70.—(1.) Each constituent authority shall raise the amounts of the contributions from time to time payable by them to the Board under the provisions of this Act by means of a special rate to be called "the Drainage Rate" which shall be levied throughout their township on the same persons and property and with the same incidence as poor rate is now leviable Provided that notwithstanding anything in the Acts relating to poor rate unoccupied

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property in Blackrock township shall not be exempted from payment of the drainage rate and such last-mentioned rate shall in the case of unoccupied property be paid by the owner thereof. A.D. 1893.

(2.) Any person paying the drainage rate or any part thereof whether directly or by deduction from rent payable to him may make the same deduction from any rent or rentcharge payable by him that he would be entitled to make in respect of the like payment of poor rate.

(3.) Each constituent authority shall have the same rights powers and authorities for the making applotting levying collecting and recovering the drainage rate as they now have in respect of any rate leviable by them throughout their township.

(4.) The amount of any drainage rate to be levied by a constituent authority under this Act may if the constituent authority think fit include the expenses or a proportion of the expenses incurred and to be incurred in and about making and recovering the rate.

71. The lands property stations houses goods stores railways and premises belonging to or leased or occupied by the Wicklow Company situated in the Blackrock township and situated in the Kingstown township between the boundary between the townships of Blackrock and Kingstown and the termination of Sewer No. 1 shall not be liable to be rated or assessed for the drainage rate by this Act authorised or to any rate for any purpose authorised by this Act and all lands property stations houses stores railways and premises belonging to or leased or occupied by the Wicklow Company in the said township of Kingstown situated eastward of the termination of Sewer No. 1 shall continue to be assessed according to the provisions of the 17 and 18 Vict. cap. 103. Railway premises not to be rated.

THE TOWNSHIPS.

72. The expression "the immediate lessor" in section 64 of the Towns Improvement (Ireland) Act 1854 incorporated with the Blackrock Township Act 1863 shall as applied to the Blackrock township include the person for the time being receiving the rent of the rateable hereditament in respect of which the expression is used whether on his own account or as agent or trustee for any other person. Amendment of section 64 of Towns Improvement (Ireland) Act 1854.

73. The Blackrock Commissioners and the Kingstown Commissioners respectively may from time to time make and when made may alter vary or rescind byelaws for regulating the exhibition or posting of bills posters notices placards or advertisements and may by any such byelaws prohibit the erection or maintenance of Byelaws as to advertisements.

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A.D. 1893. — any hoarding building or other structure for the exhibition of the same without their licence and the provisions of sections 219 to 223 of the Public Health (Ireland) Act 1878 shall apply to such byelaws.

Bridge over
Dublin and
Kingstown
Railway.

74. It shall be lawful for the Blackrock Commissioners on the one hand and the Dublin Wicklow and Wexford Railway Company on the other hand to enter into and carry into effect agreements for the construction of a bridge for public use across the Dublin and Kingstown Railway at or near Idrone Terrace in the Blackrock township with the necessary approaches thereto and the Blackrock Commissioners may contribute the whole or such proportion of the cost of such bridge as shall be specified in any such agreement.

Artizans
dwellings.

75. The Blackrock Commissioners and the Kingstown Commissioners respectively may on any lands now belonging to them or which they may hereafter acquire erect and maintain artizans dwellings and lodging houses for the accommodation of the labouring classes together with all necessary works conveniences and appliances.

Regulations
for prevent-
ing waste
&c. of water.

76. For preventing waste misuse undue consumption or contamination of the water supplied by the Blackrock Commissioners and the Kingstown Commissioners respectively the following provisions shall have effect (that is to say):—

(1.) The said Commissioners respectively may from time to time make regulations for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and mode of arrangement connexion disconnection alteration and repair of the pipes meters cocks ferrules valves soil pans water closets baths cisterns and other apparatus fittings and appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

(2.) No such regulations shall be of any force or effect except within such part of the district in which the Commissioners are bound to afford and do in fact afford or are prepared on demand to afford a constant supply nor unless and until they have been submitted to and confirmed by the Local Government Board and the provisions of sections 219 to 223 of the Public Health (Ireland) Act 1878 relating to byelaws shall apply to such regulations as if the same were byelaws under that Act :

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(3.) A copy of any such regulations in force for the time being shall be kept at the Blackrock town hall or the Kingstown town hall as the case may be and all persons may at all reasonable times inspect such copy without payment and the said Commissioners shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding threepence for each copy: A.D. 1893.

(4.) In case of the failure of any person to observe any such regulations for the time being in force the said Commissioners may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule cistern bath water closet or other apparatus fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the said Commissioners by the person liable to pay the township rates in respect of the premises where the repair replacement or alteration has been effected and may be recovered by the said Commissioners in the same manner as the township rates or any of them are for the time being recoverable:

(5.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy of the said Commissioners or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall continue after conviction thereof.

77.—(1.) It shall be lawful for the Blackrock Commissioners and the Kingstown Commissioners respectively to provide and maintain sea baths or sea bathing establishments together with all necessary furniture conveniences and appliances for the same and for that purpose to acquire by agreement any lands not exceeding five acres in extent that may be suitable for such purpose and on such lands or any other suitable lands of the said Commissioners respectively to erect and maintain such buildings and works as may be necessary or suitable for the purpose or to purchase or take on lease any sea baths or sea bathing establishment and furnish equip and maintain the same. Commis-
sioners may
establish sea
baths.

(2.) The said Commissioners may make and receive such charges as they think fit for admission into or use of any sea baths or bathing establishment provided by them under the powers of this section.

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(3.) Any expenses incurred by the said Commissioners in carrying into effect the purposes of this section may be defrayed in the same manner as expenses incurred in carrying the Public Health (Ireland) Act 1878 into execution.

Power to borrow.

78.—(1.) The Blackrock Commissioners may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest any sum not exceeding two thousand five hundred pounds or any part thereof and in order to secure the moneys so borrowed they may mortgage all or any of their funds rates and revenues.

(2.) Money borrowed under this section shall be applied only to the construction of the bridge over the Dublin and Kingstown Railway to which the Blackrock Commissioners are by this Act authorised to contribute.

(3.) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

(4.) If having borrowed any money under this section the Blackrock Commissioners pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other money received on capital account not being borrowed money they may reborrow the same and so from time to time Provided that all money so reborrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

(5.) The powers of borrowing money conferred by this section shall not be restricted by any of the regulations contained in section 238 of the Public Health (Ireland) Act 1878 and in calculating the amount which the Blackrock Commissioners may borrow under that Act any sums which they may borrow under this section shall not be reckoned.

(6.) The provisions contained in the sections of this Act relating to moneys borrowed by the Board of which the respective marginal notes are "Sinking fund" "Application of sinking fund" "Sinking fund how to be invested" "Annual return to be made to the Local Government Board with respect to sinking fund" "Protection of lenders from enquiry" shall *mutatis mutandis* extend and apply to the Blackrock Commissioners and the moneys borrowed by them under this section.

Provisions as to mortgages.

79. The following sections of the Public Health (Ireland) Act 1878 shall extend and apply to mortgages granted by the Blackrock Commissioners under this Act:—

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Section 240.—Form of mortgage.

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Section 241.—Register of mortgages.

Section 242.—Transfer of mortgages.

Section 243.—Receiver may be appointed in certain cases.

MISCELLANEOUS.

80. Penalties under this Act may be recovered in the same manner as penalties under the Public Health (Ireland) Act 1878 are directed to be recovered in a summary manner and the provisions of sections 249 to 252 of that Act shall apply accordingly. Penalties.

81. Nothing contained in this Act shall authorise the Board or the Blackrock Commissioners 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. Saving rights of the Crown in the fore-shore.

82. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Saving rights of Crown under Crown Lands Act.

83. The Board or the Blackrock Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Board or those Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the Works below high water mark not to be commenced without consent of Board of Trade.

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A.D. 1893. like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Board or those Commissioners and the amount of such costs and charges shall be a debt due from the Board or those Commissioners to the Crown and shall be recoverable accordingly with costs.

Saving
rights
of Her
Majesty's
Principal
Secretary
of State for
the War
Department.

84. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Board to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Board.

For protec-
tion of the
Alliance and
Dublin Con-
sumers Gas
Company.

85. 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 :

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(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 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 48 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.

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Repeal of
section 21 of
Blackrock
Township Act
1863.

Qualifica-
tion of
electors.

86. Section 21 of the Blackrock Township Act 1863 is hereby repealed.

87. The following persons shall if duly registered according to the provisions herein-after contained be entitled to vote at any election of a commissioner held after the year 1894 for the Blackrock township or for the Kingstown township as the case may be (that is to say) Every male or female person of full age who is the immediate lessor of lands tenements and hereditaments within the respective townships of the value of fifty pounds or upwards according to the last Poor Law valuation and who shall reside within five miles of the boundaries of the township also every male or female person of full age who shall have occupied as tenant or owner or shall have been the immediate lessor (rated for such premises to the relief of the poor to the net annual value of four pounds or upwards) of any lands tenements or hereditaments within the township rated in respect of such premises under the Acts for the relief of the destitute poor in Ireland Provided that no such person shall be so registered in any year unless he or she shall have been such lessor or occupier during three months next before the fifteenth day of July in the year 1894 and so in every succeeding year and shall on or before the first day of August in each such year have paid all township rates which respectively shall have become payable from him or her in respect of such premises previously to the first day of January in each such year Provided that the premises in respect of the occupation of which any person shall be entitled to be registered in any year and to vote at township elections shall not be required to be the same premises but may be different premises occupied in immediate succession by such person.

In cases
where per-
sons occupy
premises
jointly each
person to be
entitled to
be regis-
tered as an
elector.

88. When any dwelling-house lands tenements or hereditaments as aforesaid in the townships shall be jointly occupied by more persons than one and such persons shall be rated in such rate as herein-before mentioned jointly in respect to such premises each of such persons shall subject to the conditions herein-before contained as to a person occupying as tenant or owner premises in the township be entitled to be registered as an elector and to vote as aforesaid in respect of the premises so jointly occupied provided that the annual value of such premises as appearing in such rate shall be of an amount which when divided by the number of persons rated jointly in respect thereof shall give for each of such persons a net annual value of four pounds or upwards but not otherwise.

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89. Where any premises as aforesaid in the townships shall come to any person by descent marriage marriage settlement devise or promotion to any benefice or office such person shall be entitled to reckon the occupancy and rating in respect of the occupancy thereof by the person from or by whom such premises have so come to him as his own occupancy and rating conjointly with the time during which he has since occupied and been rated for the same and shall be entitled to be registered an elector in respect of such successive occupancy and rating provided he be otherwise qualified as herein provided.

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In case of title by descent &c. how occupation is to be reckoned.

90. Every male or female person of full age occupying any dwelling house lands tenements or hereditaments within the townships may claim to be rated to the relief of the poor in respect of such premises whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof and upon such occupier so claiming the guardians or other persons charged with making any rate for the relief of the destitute poor which shall or ought to include such premises are hereby required to put the name of such occupier upon the rate for the time being and in case any such guardians or other persons shall neglect or refuse so to do such occupier shall nevertheless for the purposes of this Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate was made in respect of which he has so claimed to be rated Provided always that where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant nothing herein contained shall be deemed to vary or discharge the liability of such landlord Provided also that this enactment shall not apply with respect to any dwelling house lands tenements or hereditaments rated under the last rate for the time being for the relief of the poor at less than the net annual value of four pounds.

Occupiers may claim to be rated.

91. In order to provide against any person being prevented from being registered as an elector by reason of any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as hereinbefore mentioned or by reason of any inaccurate description of the premises so occupied—

Misnomers &c. in rate book not to invalidate right to be registered.

Where any person has occupied such premises as in this Act are mentioned for the time hereinbefore mentioned next previous to the fifteenth day of July in any year being the person liable to be rated for such premises such person shall be considered as having been rated to the relief of the poor and be entitled if

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otherwise qualified to be registered as an elector of the township in respect of such premises in any year any misnomer or insufficient description in any rate of the person so occupying or of the premises occupied notwithstanding.

Clerk to Commissioners to publish notice requiring payment of rates.

92. The clerk to the Commissioners of each township shall as soon as possible after the passing of this Act in the present year and on or before the fifteenth day of July in every subsequent year publish a notice in writing stating that no person will be entitled to have his name inserted in the list of voters for the township then next to be made in respect of any premises unless he shall pay on or before the first day of August then next ensuing in each such year all township rates payable by him in respect of such premises previously to the first day of January in each such year.

Clerk to Commissioners to prepare a book for each ward containing names of persons entitled to be electors in the township.

93. On or before the tenth day of October 1894 and on or before the tenth day of September in every succeeding year the clerk to the Commissioners of each township shall in a book to be by him provided for that purpose enter the names of all persons who shall be entitled according to the provisions of this Act to be registered as electors of the township in the register then next to be made with the premises in respect whereof they may be so entitled and all such names shall be arranged alphabetically and numbered beginning the numbers from the first name in such book and continuing them in a regular series in such book and such book shall be made out according to the form No. 1 in the Fourth Schedule to this Act annexed. Provided always that there shall be a separate book for each ward and that the names of the persons appearing to be so entitled as aforesaid to be registered as electors for the township shall be entered in the book for the ward wherein the premises in respect whereof they may appear to be so entitled are situate.

Proviso as to separate book being made out for each ward.

On completion of entries clerk to Commissioners to give notice thereof and permit the books to be perused and give copies or extracts.

94. On the completion of the entries so to be made in the said books the clerk to the Commissioners of each township shall cause a notice thereof to be fixed on or near the outer door of the town hall and in some other public or conspicuous place within the township and shall keep the said books in his office to be perused by any person without payment of any fee at all reasonable hours during the ten days preceding the first day of November in the year 1894 and the first day of October in every succeeding year and shall deliver a copy thereof or any extract therefrom to any person requiring the same on payment of a reasonable price not exceeding one halfpenny for every name with the entries attached thereto which may be included in such copy or extract so required and such copy or extract as aforesaid shall be delivered by the said clerk within four days from the date of the application.

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and Improvement Act, 1893.*

95. On the first day of November 1894 and on the first day of October in every succeeding year the clerk to the Commissioners of each township shall make out alphabetical lists according to the form No. 2 in the Fourth Schedule to this Act annexed or to the like effect of all persons with their respective residences entitled to be entered in the register of that year for the township according to the provisions of this Act in respect of property within each ward of such township excluding nevertheless from such lists the name of every person who does not appear by the entries made in the books herein-before mentioned to have paid all rates by this Act required to be paid in order to qualify such person to be or to be registered as an elector of the township and shall sign such lists.

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Clerk to Commissioners to make out lists in every year of persons qualified as electors in the township.

96. The clerk to the Commissioners of each township shall forthwith cause copies to be printed of all lists made out by them in every year as aforesaid and shall deliver a copy of all such lists to all persons requiring the same on payment of the sum of one shilling for each copy and shall cause a copy of all such lists to be fixed on or near the outer door of the town hall and in some other public and conspicuous situation within the township on every day during the ten days next preceding the fifteenth day of November 1894 and the fifteenth day of October in every succeeding year.

Clerk to Commissioners to print the lists.

97. Every person whose name shall have been omitted from any such list and who shall claim to have his name inserted on the register shall on or before the twentieth day of November 1894 and on the twentieth day of October in every subsequent year give notice thereof to the clerk to the Commissioners in writing according to the form No. 3 in the said Fourth Schedule or to the like effect and such clerk shall on or before the twenty-second day of November 1894 and of October in every subsequent year include the names of all persons so claiming in a list according to the form No. 4 in the said Fourth Schedule and shall cause copies of such list to be fixed on or near the outer door of the town hall and in some other public and conspicuous situation within the township during the three clear days next preceding the twenty-seventh day of November 1894 and the twenty-seventh day of October in every subsequent year and every person whose name is inserted in the list of persons entitled to vote may object to any other person as not being entitled to have his name retained in any of the said lists or inserted on the register for the township and every person so objecting shall on or before the said twenty-seventh day of November or October as the case may be give to such clerk and also to the person objected to or leave at the premises in respect to which his name shall have been inserted in any such list or in respect

Persons omitted from the lists to give notice to the clerk to the Commissioners.

List of claimants to be published &c.

Notices as to persons not entitled to be retained in the lists.

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—
List of persons objected to to be published &c.

of which he shall claim as aforesaid notice thereof in writing according to the form No. 5 in the said Fourth Schedule or to the like effect and such clerk shall include the names of all persons so objected to in a list according to the form No. 6 in the said Fourth Schedule and shall cause copies of such list to be fixed on or near the outer door of the town hall and in some other public and conspicuous situation within the township during the seven days next preceding the fifth day of December 1894 and the fifth day of November in every subsequent year and such clerk shall likewise keep a copy of the names of all the persons so claiming as aforesaid and also a copy of the names of all persons so objected to as aforesaid to be perused by any person without payment of any fee at all reasonable hours during the seven days (Sunday excepted) next preceding the fifth day of December 1894 and the fifth day of November in every subsequent year and shall deliver a copy of each of such lists to any person requiring the same on payment of a sum not exceeding one shilling for each copy.

Electors qualified in more than one ward to select the ward for which they are to be registered.

98. In case it shall happen that any elector shall be entitled to be registered in respect of property in two or more wards then he shall if otherwise duly qualified according to the provisions of this Act be registered and vote in such one but not more than one of the said wards as he shall select by writing under his hand delivered to the clerk to the Commissioners or left at his office during the three days next preceding the day appointed for revising the said lists of the electors or in default of his selection as the barrister when revising the said lists shall determine.

Lord Lieutenant to appoint revising barrister every year.

99. On or before the first day of November 1894 and so in every succeeding year the lord lieutenant shall appoint by warrant under his hand a barrister or barristers of not less than five years standing at the bar to revise the said lists and in case of death or failure to act of such barrister or barristers the lord lieutenant shall appoint another person of like qualification to act in his stead and there shall be paid to each such barrister by the respective Commissioners such sum not exceeding five guineas for every day he is fully employed on such revision as the said lord lieutenant shall direct and the Commissioners may apply for that purpose any moneys coming to their hands by virtue of any Act of Parliament.

Barrister to hold court of revision.

100. The barrister or barristers so appointed shall hold an open court within each township for the purpose of revising the said lists at some time between the tenth and twenty-fifth days of December both inclusive 1894 and between the tenth and twenty-fifth days of November both inclusive in every succeeding year having first given seven clear days notice of the time and place for holding such court

[56 & 57 VICT.] *Blackrock and Kingstown Drainage [Ch. ccxxiv.]
and Improvement Act, 1893.*

to the clerk to the respective Commissioners and such clerk shall cause a copy of such notice to be fixed at or near the door of the town hall and in some other public and conspicuous situation within the township and such clerk shall at the opening of said court deliver to the barrister the said several lists so made out as aforesaid and such clerk shall answer upon oath all such questions as the court may put to him and produce all documents papers and writings in his possession custody or power touching any matter necessary for revising the said lists.

A.D. 1893.

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Clerk to Commissioners to attend and produce lists &c.

101. For the purposes of the due and efficient revision of the said lists the barrister shall have possess and exercise with such modification or qualification as may be necessary and proper for the purposes of this Act the same power and authority as are conferred by any Act relating to the registration of Parliamentary voters in Ireland upon the assistant barrister holding or presiding at any court of revision under that Act and the decision of the barrister shall with respect to such revision and to the said lists be final and conclusive.

Powers of barrister to be the same as those exercised by assistant barrister in revising lists under 13 & 14 Vict. c. 69.

102. The said lists when revised and signed as in this Act provided shall be delivered by the barrister to the clerk to the Commissioners who shall keep the same and shall cause the said lists to be fairly and truly copied into one general list in a book to be by him provided for that purpose arranged alphabetically in each ward with every name therein numbered beginning the numbers from the first name and continuing them in a regular series to the last name in the last ward and shall cause such book to be completed on or before the tenth day of January 1895 and on or before the tenth day of December in every succeeding year and shall deliver such book together with the lists at the expiration of his office to the person succeeding him in such office and every such book shall be the register of persons entitled to vote in the choice of Commissioners of the township at any election which may take place in such township during the year following that wherein such register has been made commencing on the first day of February 1895 or on the first day of January in any following year and shall be deemed and taken as conclusive evidence that the persons therein named are entitled to vote at such election.

Revised lists to be kept by the Clerk to the Commissioners and copied into a book with the names numbered.

103. The clerk to the Commissioners of each township shall cause to be printed copies of such register in every year and shall deliver such copies to all persons applying for the same upon payment of a price after the rate contained in the table in the Fifth Schedule to this Act annexed and the moneys arising from the sale

Copies of register to be made for sale.

[Ch. ccxxiv.] *Blackrock and Kingstown Drainage [56 & 57 VICT.]
and Improvement Act, 1893.*

A.D. 1893. — thereof and of any lists made and sold under the provisions of this Act shall be paid over to the treasurer of the township and shall be applied by the Commissioners towards defraying the expenses incurred in making and printing the same.

Expenses of list how to be defrayed.

104. The Commissioners of each township shall take an account of the reasonable expenses incurred in carrying into effect the several provisions of this Act so far as relates to the preparing and printing the said register and lists and shall pay the same out of any moneys coming to their hands.

The existing Commissioners to go out of office in January 1895.

105. On the first day of February in the year one thousand eight hundred and ninety-five all the Commissioners for the township of Blackrock elected under the Act of 1863 and then in office shall go out of office but this enactment shall not prejudice any of such persons being elected a Commissioner under this Act and the terms of office respectively of any such Commissioners and of the chairman of such Commissioners which would have expired in the next preceding month of October shall be extended until the first day of February one thousand eight hundred and ninety-five anything contained in the twenty-third section of the Act of 1854 to the contrary notwithstanding.

Election of Commissioners in the year 1895.

106. On the first day of February in the year one thousand eight hundred and ninety-five the Blackrock electors in every ward of the township shall elect from among the persons qualified to be Commissioners of such township and who shall be nominated in manner herein-after provided the entire number of Commissioners required to be elected in each such ward pursuant to the provisions herein contained and each such ward election shall be presided over by a justice of the peace resident within such ward (if any) and in default of such by one of the highest ratepayers within such ward to be nominated by the chairman of the Commissioners so going out of office as last aforesaid at any meeting of the Commissioners to be held not later than seven days next preceding their going out of office and in default of such nomination or in case of death or failure to act of such ratepayer then such ward election shall be presided over by one of the highest ratepayers within such ward to be nominated by the under secretary of the Lord Lieutenant.

Copy of register to be delivered to persons presiding at ward elections.

107. To enable the persons presiding at each ward election to take the poll at such election the clerk to the Blackrock Commissioners shall previously to such election deliver to such person a copy of the register of voters then in force within the township.

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and Improvement Act, 1893.*

108. Upon the first day of January in every year after the year one thousand eight hundred and ninety-five one third part of the number appointed as aforesaid to be the whole number of the Commissioners of every ward of the Blackrock township shall go out of office and the electors for such ward shall elect the number of Commissioners needed to supply the vacancies thereupon existing in the number of Commissioners and those who shall first go out of office shall be the Commissioners who were elected under the provisions of this Act by the smallest number of votes at the first election and in the next year those who shall go out of office shall be the Commissioners who were elected under the provisions of this Act by the next smallest number of votes at the first election the majority of the whole Commissioners always determining when the votes for any such persons shall have been equal or when there shall have been no contest who shall be the persons so to go out of office and thereafter those who shall so go out of office shall always be the Commissioners who have been for the longest time in office without re-election Provided always that any Commissioner so going out of office shall be capable of being forthwith re-elected if then qualified as in this Act provided.

A.D. 1893.
One third
part of the
Commis-
sioners to
go out of
office
annually.

109. The several officers appointed by the Commissioners of each township before the passing of this Act shall continue to hold their respective offices under the Commissioners to be elected under the provisions of this Act in the like manner with the like tenure of office and subject to the like conditions and liabilities as if this Act had not been passed.

Present
officers to
continue
under new
Commis-
sioners as if
re-appointed
by them.

110. At the first and every subsequent election of Commissioners of the Blackrock and Kingstown townships the nomination and method of voting shall be such as is provided by the Ballot Act 1872 and any Acts amending the same.

Mode of
voting at
elections.

111. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto including the costs charges and expenses of the Earl of Longford and Viscount de Vesci and of the Kingstown Commissioners in opposing the Bill for this Act (in this Act referred to as "the costs of this Act") shall in the first instance be paid by the Blackrock and Kingstown Commissioners in equal shares out of any of their respective funds and be repaid to the said Commissioners by the Board out of the moneys to be borrowed by them under the powers of this Act and the Township Commissioners respectively are hereby authorised to borrow at interest such sums as may be necessary for the payment in the first instance of the costs aforesaid Provided that the money so borrowed shall be repaid by them respectively within two years from the borrowing of the same.

Costs of Act.

[Ch. ccxxiv.] *Blackrock and Kingstown Drainage* [56 & 57 VICT.]
and Improvement Act, 1893.

A.D. 1893.

SCHEDULES.

FIRST SCHEDULE.

All that portion of the Kingstown township lying to the west of an imaginary line commencing at a point in the southern boundary of Kingstown township to the east of and at a distance of two hundred and fifty yards from the centre of Sally Noggin's Road where it crosses the southern boundary of Kingstown township continued northward parallel with the centre line of Sally Noggin's Road Glenegeary Road and Longford Terrace East as far as the north end of Longford Terrace East and thence continued in a straight line in a northerly direction and terminating in the northern boundary of Kingstown township.

SECOND SCHEDULE.

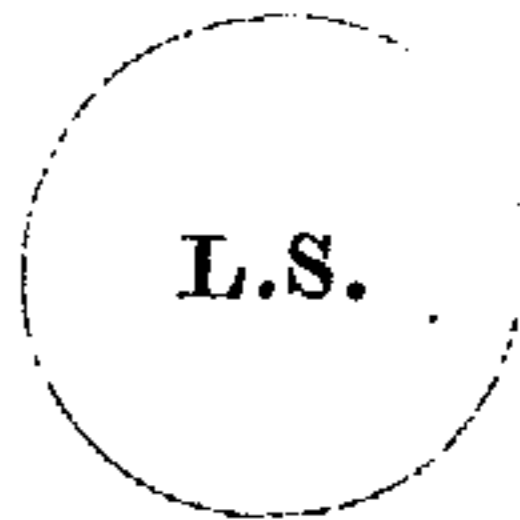
FORM OF CERTIFICATE OF DEBENTURE STOCK.

BLACKROCK AND KINGSTOWN DRAINAGE BOARD REDEEMABLE
DEBENTURE STOCK.

Certificate No. Amount £
Register No.

This is to certify that of
is registered in the books of the Blackrock and Kingstown Drainage Board
as the proprietor of pounds sterling Blackrock and Kingstown
Drainage Board Redeemable Debenture Stock created by virtue of the
Blackrock and Kingstown Drainage and Improvement Act 1893 bearing
interest at the rate of pounds per centum per annum payable
half yearly on the first day of July and the first day of January in every year
the first payment to be made on the day of
next.

Given under the Common Seal of the Blackrock and Kingstown Drainage
Board this day of
Entered A.D. 18



Treasurer to the Board.

NOTE.—This stock certificate must be deposited with the deed of transfer
whether for the whole or any portion thereof before a new certificate can be
issued in exchange All certificates will bear the common seal of the Board.

A.D. 1893.

FOURTH SCHEDULE.

No. 1.

LIST OF PERSONS appearing entitled pursuant to the provisions of the *Blackrock and Kingstown Drainage and Improvement Act 1893* to be registered as voters of the Township of _____ (in the Ward of _____)

18 .

Dated this _____ day of _____

(Signed) *A. B.*

Clerk to the Commissioners of the Township of _____

No.	Christian Name and Surname of each Person at full length.	Place of Abode.	Situation of qualifying Property.	Description of Property.	Rate made under the 60th Section of Act of 1854.				And so on for any other Rates made under the said Act or any Local Act in force in the Township as the case may be.
					Amount of last Payment.	Date of last Payment.	Amount (if any) due.	Date when due.	
					£ s. d.			£ s. d.	
					JOHN JONES Collector.				

[Ch. ccxxiv.] *Blackrock and Kingstown Drainage* [56 & 57 VICT.]
and *Improvement Act, 1893.*

A.D. 1893.

No. 4.

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the list of persons entitled to vote in the ward of _____ in the township of _____

Christian Name and Surname of Claimant.	Place of Abode.	Description of qualifying Property.	Street Lane or other Place in the Ward where the Property is situate.

(Signed) *A.B.*

Clerk to the Commissioners of the Township of _____

No. 5.

NOTICE OF OBJECTION.

To the Clerk to the Commissioners of the Township of _____

I hereby give notice that I object to the name of *A.B.* of _____ being retained in the list (No. 2) of persons entitled (or list (No. 4.) of persons claiming) to vote in the ward of _____ in the township of _____

Dated this _____ day of _____ 18 _____

(Signed) *A.B.* of (*place of abode*) on the list of persons entitled to vote in the ward of _____ in the township of _____

[56 & 57 VICT.] *Blackrock and Kingstown Drainage* [Ch. ccxxiv.]
and Improvement Act, 1893.

No. 6.

A.D. 1893.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained in the list of persons entitled to vote in the ward of
in the township of

Christian Name and Surname of each Person objected to.	Place of Abode.	Description of Property.	Street Lane or other Place in this Ward where the Property is situated.

(Signed) A.B.

Clerk to the Commissioners of the
Township of

FIFTH SCHEDULE.

TABLE of RATES of PAYMENT to be demanded and paid for any Copy of a Register or Part of any Register authorised by this Act.

For every copy of any register or any part of any register containing any number of persons names—

	<i>s.</i>	<i>d.</i>
Not exceeding 500 names	1	0
Exceeding 500 and not exceeding 1,000	2	0
Exceeding 2,000	3	0

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