



CHAPTER xxii.

An Act to confirm and legalise certain waterworks constructed by the Rathmines and Rathgar Improvement Commissioners and to authorise the Commissioners to construct additional works to acquire lands and maintain a public park at Harold's Cross to provide for additional public buildings and the maintenance of a way as a public road to confer on the Commissioners further powers as to the borrowing of moneys and for other purposes relating to the township.

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[12th May 1893.]

WHEREAS by the Rathmines Improvement Act 1847 the Rathmines and Rathgar Improvement Commissioners (in this Act called "the Commissioners") were constituted and by that Act and by divers subsequent Acts powers were conferred on the Commissioners for better paving cleansing draining regulating lighting and improving the township of Rathmines and Rathgar in the county of Dublin (in this Act called "the township") :

And whereas by the Rathmines and Pembroke Main Drainage and Improvement Act 1877 (in this Act called "the Act of 1877") the Commissioners of the township and of the adjoining Pembroke township were authorised jointly to construct a system of outfall sewers and by the Act of 1877 additional powers were also conferred on those Commissioners as to water supply within their respective townships :

And whereas in or previous to the year 1880 the waterworks of the Commissioners were found to be no longer adequate for all the purposes of the township and the Commissioners accordingly applied to Parliament in that year for power to obtain an improved and independent water supply (and the Bill which the Commissioners so promoted in Parliament is in this Act called "the Bill of 1880") :

And whereas by the Bill of 1880 the Commissioners sought power to take and impound the whole of the waters of the River Dodder

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And whereas the general scheme of the Bill of 1880 was to intercept certain discoloured and peaty waters flowing into the River Dodder near the townlands of Castlekelly and Glassavullaun and conduct these from the river into a reservoir (in the Bill of 1880 called " Work No. 9 ") whilst as regards the pure waters flowing into the River Dodder below the point of interception these were to be led into a reservoir (in the Bill of 1880 called " Work No. 1 "):

And whereas the several reservoirs lines of pipes and works intended to be authorised were shown on the plans and sections deposited in connection with the Bill of 1880 and were described in the Bill of 1880 as works numbered 1 to 15 respectively :

And whereas a petition was presented against the Bill of 1880 by or on behalf of the owners lessées and occupiers of the said mills and manufactories (in the Bill of 1880 and in this Act called " the Upper Millowners ") but their opposition was withdrawn upon an arrangement being come to between themselves and the Commissioners and instead of taking the whole of the waters of the River Dodder and charging the Upper Millowners for a supply the Commissioners undertook among other things to cause to flow into the River Dodder in the course of every week a quantity of compensation water not less than 14,700,000 gallons and further not to take into the said Work No. 9 of the Bill of 1880 any of the intercepted peaty waters until the flow of water down the conduit (in the Bill of 1880 called " Work No. 10 ") exceeded 1,500 cubic feet per minute when the Commissioners were to be at liberty to abstract and take the excess above such quantity :

And whereas in pursuance of the arrangement with the Upper Millowners the Bill of 1880 was altered and amended and the same was ultimately passed into an Act under the short title of the Rathmines and Rathgar Water Act 1880 (in this Act called " the Act of 1880 "):

And whereas by the Act of 1880 the Commissioners after the completion of the waterworks by that Act authorised were empowered to discontinue the then existing waterworks and were required to provide and keep in the pipes laid or to be laid down by them a supply of pure and wholesome water sufficient for the domestic use of the inhabitants of all houses in the township and to

be constantly laid on at high pressure and were enabled to sell and supply water as therein mentioned: A.D. 1893.

And whereas the construction of the said waterworks was commenced in the year 1881 and continued down to the close of the year 1887 unexpected difficulties having been encountered owing to the nature of the ground at certain points:

And whereas by the Rathmines and Rathgar Improvement Act 1885 (in this Act called "the Act of 1885") and by the Rathmines and Rathgar Township Act 1892 (in this Act called "the Act of 1892") further powers in relation to their waterworks were conferred upon the Commissioners:

And whereas in the construction of the works alterations were made in the position and dimensions of the said Work No. 9 of the Act of 1880 and the said Work No. 10 of the Act of 1880 which was intended to have been constructed as an open conduit by the side of the said Work No. 9 of the Act of 1880 was owing to the nature of the soil and for greater security carried in an enclosed pipe underneath that reservoir:

And whereas on the 11th day of March 1888 the waterworks were for the first time used for the supply of water to the township and the Upper Millowners and have since been continuously used for that purpose. But complaints were made and controversy arose between the Commissioners and the Upper Millowners as to the manner in which the works had been carried out by the Commissioners:

And whereas on the 18th day of April 1888 a writ of summons was issued on behalf of Sir Robert Herron James Chaigneau Colvill Frederic W. Pim and the other Upper Millowners for an injunction to restrain the Commissioners from continuing certain works constructed by them or taking the waters of the River Dodder by means of the works they had constructed or from interfering with the flow of the River Dodder otherwise than as authorised by the Act of 1880:

And whereas the said action came on for trial before the Chancery Division of the High Court of Justice in Ireland and the Master of the Rolls on the 18th day of July 1889 delivered judgment whereby he declared that the works in the Act of 1880 described as Works Nos. 9 and 10 (of the Act of 1880) had not been constructed and were not in accordance with the terms and provisions of the Act of 1880 and ordered that a perpetual injunction be awarded to restrain the Commissioners their officers servants workmen and agents from continuing the Reservoir No. 9 and the diversion of streams, or Watercourse Work No. 10 (of the Act of

A.D. 1893. 1880) in the state and condition in which they then were or in any other state and condition than should be in accordance with the provisions of the Act of 1880 and from taking collecting diverting impounding storing up using or appropriating the waters of the River Dodder or of any brooks streams rivulets or springs flowing into the said river by the works constructed by the Commissioners for that purpose or by any works other than those described in and authorised by the Act of 1880 and from interfering with the flow of the water in the River Dodder otherwise than as authorised by that Act:

And whereas the said action was brought before the Court of Appeal in Ireland and on the 28th day of February 1890 the Court discharged the order of the Master of the Rolls and dismissed the action of the Upper Millowners upon an undertaking given by the Commissioners that they would execute certain minor additions to the works to which attention had been directed in the course of the arguments:

And whereas the said action was taken by appeal to the House of Lords and the House upon the 23rd day of May 1892 delivered judgment whereby the judgment of the Court of Appeal in Ireland was reversed and the order of the Master of the Rolls restored subject to the following modification of the terms of the injunction as to Works Nos. 9 and 10 (of the Act of 1880) viz. That so much of the said order of the Master of the Rolls as awarded a perpetual injunction restraining the Commissioners their officers servants workmen and agents from continuing the Reservoir No. 9 and the diversion of streams or Watercourse Work No. 10 (of the Act of 1880) in the state and condition in which the same then were or in any other state or condition than should be in accordance with the terms and provisions of the Act of 1880 should be omitted therefrom and that the injunction granted by the said order as modified should not come into operation until the 1st day of August 1893 and that the Commissioners should be at liberty to apply to the Court or a judge thereof if further time should be required by them:

And whereas by the Act of 1880 so long as the Commissioners discharge from their said Reservoirs Nos. 1 and 9 and works the due quantity of compensation water in manner directed by the Act of 1880 the same is to be accepted and taken by all parties interested as full compensation for all water which can be collected or diverted from the lands draining to the said reservoirs:

And whereas since the said judgment of the House of Lords was delivered the Upper Millowners and the Commissioners have entered into an amicable arrangement whereby the rights of the

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Upper Millowners can be secured through the instrumentality of the works already constructed with such additions or modifications as are herein-after mentioned and serious interference with the works and consequent expense to the township can be avoided and it is expedient and would be of public advantage that such arrangement should be confirmed and provision made for carrying out the same in the manner and subject to the conditions herein-after appearing :

And whereas in pursuance of such arrangement and on compliance with the conditions thereof it is expedient that the Commissioners be relieved from the consequences of the said litigation with the Upper Millowners (other than the costs thereof) and of the said injunctions and orders of the Master of the Rolls Court of Appeal and House of Lords respectively and that the said injunctions and orders respectively should by virtue and in consequence of this Act cease to have binding force or effect :

And whereas it is expedient to make provision for the costs of and attending the said action and for the charges and expenses of or connected with the said arrangement with the Upper Millowners and for giving effect thereto as herein-after mentioned :

And whereas it is expedient that the Reservoir or Work No. 9 and the Conduit or Work No. 10 as constructed by the Commissioners should (subject as herein-after mentioned) be confirmed and legalised and that the same should be substituted for the said work No. 9 and the said work No. 10 authorised by the Act of 1880 :

And whereas with the exception of the said Works Nos. 9 and 10 none of the works authorised by the Act of 1880 and constructed by the Commissioners were affected by the said injunctions or orders or are now questioned or in dispute :

And whereas it is expedient that the Commissioners be empowered to construct and maintain in manner herein-after provided a diversion or variation of the said Conduit or Work No. 10 as now existing And for the purpose of satisfying the requirements of the Millowners it is expedient that the Commissioners be authorised to add upon their own lands such gauges or other appliances to the existing works as have been or as may be agreed upon or as failing agreement may be determined by an engineer to be nominated by the Board of Trade :

And whereas a stream of water authorised to be taken by the Act of 1880 and flowing into the said Work or Reservoir No. 1 is liable to become contaminated by the drainage of a small hamlet in Glassavullaun and it is expedient that the Commissioners be authorised to make and maintain works for conveying the said

A.D. 1893. stream into the said work or reservoir free from risk of contamination in manner herein-after provided :

And whereas having regard to the difficulties encountered in the construction of the works and for the more effectual protection of their waters and waterworks against encroachments landslips or other injury it is expedient that the Commissioners be authorised to acquire additional lands :

And whereas a piece of waste land situated in the township and known as Harold's Cross Green (in this Act called "the green") is now open and unenclosed and it has been represented to the Commissioners that it would benefit the township generally if the green were acquired by the Commissioners and laid out as a public park for the recreation and enjoyment of the inhabitants and it is expedient to enable the Commissioners to acquire the green by agreement or otherwise and to confer on them powers for regulating maintaining and managing the same :

And whereas it is expedient to enable the Commissioners to maintain the way leading from Cowper Road to the Milltown Road in the township as a public road of the township :

And whereas plans and sections showing the lines levels and situation of the waterworks as the same have been constructed by the Commissioners with a book of reference thereto and likewise plans and sections of the diversion and additional waterwork to be authorised by this Act showing the lines levels and situation of such works with a book of reference thereto and likewise plans of all lands required or which may be taken compulsorily for waterworks or other purposes under the powers of this Act with a book of reference thereto and likewise plans of all lands traversed or affected by the said way with a book of reference thereto have been deposited with the clerk of the peace for the county of Dublin in connection with the application for this Act and such plans sections and books of reference respectively showing or containing the names of the several owners or reputed owners lessees or reputed lessees and of the occupiers of all lands to be taken compulsorily under the powers of this Act are in this Act collectively or separately referred to and distinguished in manner herein-after defined :

And whereas objections have been made to the site selected for erecting artizans dwellings at the Chains and Streamville and it is expedient that the Commissioners be authorised to erect such buildings in some more suitable position in the township and to dispose of the said site :

And whereas the bridges known as Charlemont Bridge and Clanbrassil Bridge respectively carry important public roads leading

from the city of Dublin to the township over the Grand Canal and the southern ends of the said bridges are in the township and the inclinations of the roads over the said bridges are steep and dangerous and it is expedient that the Commissioners be enabled to contribute money out of the township funds towards the improvement of those bridges and the approaches thereto :

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And whereas it is expedient to authorise the Commissioners to acquire by agreement additional lands :

And whereas it is expedient to confer on the Commissioners additional powers with reference to the borrowing of money the laying out of roads and erection of buildings the supervision of hoardings the making of byelaws and other matters within the township :

And whereas it is expedient to enable the Commissioners to erect and maintain a town hall public offices and a public library :

And whereas for or in connection with the purchase of lands the execution of works and other the purposes by this Act authorised it is expedient that the Commissioners be authorised to borrow the following sums of money (that is to say) :—

For waterworks purposes or in connection therewith 25,000*l.* ;

For township purposes other than waterworks purposes or in connection therewith 20,000*l.* :

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of the Commissioners at a meeting held on the second day of November 1892 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Daily Express" a newspaper circulating in the township such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses attending the promotion of the Bill for this Act should be paid and defrayed out of the township fund or township rate and water rate and other rates and revenues of the Commissioners or out of funds to be borrowed under this Act for that purpose and to be debited to such accounts and in such proportions as the Commissioners shall determine :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board for Ireland as to matters within their jurisdiction and of the Chief Secretary for Ireland as regards other matters :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Commissioners at a further special meeting held in pursuance of a similar notice on the fourth day of January 1893 being not less

A.D. 1893. than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas a meeting of the persons qualified to vote at the election of the Commissioners of the township called in the manner provided by the said Borough Funds (Ireland) Act 1888 by special resolution approved of the promotion of the Bill for this Act:

And whereas the objects of this Act 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:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Rathmines and Rathgar Township Act 1893.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Water.

Part III.—Lands.

Part IV.—Improvements.

Part V.—Local Government.

Part VI.—Finance and Miscellaneous.

Incorporation of general Acts.

3. The following Acts or portions of Acts (so far as they are applicable for the purpose of and are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

Sections 8 9 and 10 (relating to alteration of plans) and sections 15 to 18 (relating to execution of works) of the Railways Clauses Consolidation Act 1845 and the several provisions of that Act—

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

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

The Waterworks Clauses Act 1847 (except the sections with respect to the payment and recovery of the water rates and with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 35); and

The Waterworks Clauses Act 1863.

4. In construing for the purposes of this Act the Acts mentioned in the next immediately preceding enactment the following words unless there be something in the subject or context repugnant to such construction (that is to say) The expressions "the promoters" "the promoters of the undertaking" "the Undertakers" or "the Company" shall mean the Commissioners and the words "the railway" and "the undertaking" shall mean the works by this Act authorised and the words "works" and "railways" in the Railways Clauses Consolidation Act 1845 shall mean the works authorised by this Act.

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Interpreta-
tion of
expressions
in general
Acts.

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

Interpreta-
tion of
terms.

The expression "the waterworks" means the waterworks as constructed and used by the Commissioners and includes the Reservoir No. 9 and the Conduit No. 10 by this Act confirmed and legalised:

The expression "the additional waterworks" means the diversion and variation of Conduit or Work No. 10 and the additional waterwork at Glassavullaun by this Act authorised:

The expression "the water undertaking" means the water undertaking of the Commissioners:

The expression "the plans and sections of 1880" means the plans and sections deposited in connection with the application for the Act of 1880:

The expression "the deposited plans" or "the deposited plans and sections" means the whole of the plans or as the case may be the whole of the plans and sections deposited in connection with the application for this Act and the expression "the deposited plans and sections and books of reference" means the whole of the plans sections and books of reference deposited in connection with the application for this Act:

And as part of and comprised within the foregoing definition —

The expression "the deposited plans of the waterworks" means the deposited plans and sections showing the waterworks;

The expression "the deposited plans of the diversion" means the deposited plans and sections showing the diversion and variation of Conduit or Work No. 10 authorised by this Act;

The expression "the deposited plans of the additional waterwork" means the deposited plans and sections showing the additional waterwork at Glassavullaun authorised by this Act;

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The expression "the deposited plans of additional lands" means the plans showing the lands authorised to be acquired compulsorily for waterworks purposes described in Part III. of this Act;

The expression "the deposited plans as to Harold's Cross" means the deposited plans of the lands called "Harold's Cross Green" by this Act authorised to be taken for a public park;

The expression "the deposited plans of the way" means the deposited plans and sections showing the lands traversed or affected by the way leading from Cowper Road to the Milltown Road:

The words "street" or "road" include any highway and any public bridge and any road lane footway square court alley lane or passage within the township whether a thoroughfare or not:

The expression "the green" means the lands forming the open unenclosed area called or known as Harold's Cross Green shown on the deposited plans as to Harold's Cross:

The expressions "Work No. 1 of the Act of 1880" "Work No. 9 of the Act of 1880" and "Work No. 10 of the Act of 1880" respectively mean the particular work so designated on the plans and sections of 1880 and described in the Act of 1880:

The expressions "Reservoir No. 1" "Reservoir No. 9" and "Conduit No. 10" or as the case may be or require the expressions "Work No. 1" "Work No. 9" and "Work No. 10" respectively mean the particular work so designated on the deposited plans of the waterworks:

The expression "daily penalty" means a penalty for each day an offence continues after conviction thereof.

PART II.—WATER.

Confirmation
of works as
constructed.

6. The Reservoir No. 9 and the Conduit No. 10 as constructed in accordance with the deposited plans of the waterworks are hereby confirmed and legalised and are substituted and shall be deemed to be substituted in all respects for Work No. 9 and Work No. 10 of the Act of 1880 and the Commissioners shall abandon the said Works Nos. 9 and 10 of the Act of 1880 except so far as the same form part of the Reservoir No. 9 and the Conduit No. 10 by this Act confirmed and legalised And subject to the provisions herein-after contained for the protection of the Upper Millowners the waters and water supplies authorised by the Act of 1880 to be taken collected diverted impounded stored up used appropriated and applied by the Commissioners for the purposes and with and subject

to the powers of that Act by means of the waterworks thereby authorised may similarly be taken collected diverted impounded stored up used appropriated and applied by the Commissioners by means of the waterworks as herein-before defined for the purposes and with and subject to the powers of the Act of 1880 and this Act:

The Reservoir No. 9 and the Conduit No. 10 so confirmed and legalised by this Act are the following:—

An impounding reservoir (herein called Reservoir No. 9) formed on the bed of the River Dodder and on land immediately adjoining and situated on both sides thereof by an embankment 200 yards or thereabouts in length placed across the said River Dodder nearly at a right angle therewith in an easterly and westerly direction at a point in the townland of Glassamucky distant 1,650 yards or thereabouts measured in a southerly direction up the centre of the said River Dodder from Fort Bridge the said embankment being situated as follows viz. A length of about 97 yards being on the eastern and a length of about 103 yards being on the western side of the centre of the said river respectively. The said Reservoir No. 9 commencing at the said embankment and extending thence in a southerly direction for a distance of 1,050 yards or thereabouts and terminating at a point in the said River Dodder distant 200 yards or thereabouts measured in a straight line in a north-westerly direction from the eastern end of the embankment of the Reservoir or Work No. 1. The said Reservoir No. 9 being situated in the following townlands viz. Ballymorefinn Allagour Ballinascorney Lower and Glassamucky and parish of Tallaght:

A diversion of streams or watercourse partly open and partly covered and line of pipes (herein called Conduit No. 10) commencing by a junction with the said River Dodder at a point in the townland of Castlekelly distant 340 yards or thereabouts measured in a south-easterly direction up the centre of the said River Dodder from Castlekelly Bridge passing thence by an open conduit or partly open and partly arched along Reservoir Work No. 1 to the tumbling bays and thence by a conduit or conduits partly open and partly formed by pipes to the south end of Reservoir or Work No. 9 and passing under the Reservoir No. 9 and terminating at a point in the bed of the said River Dodder in the townland of Glassamucky distant 140 yards or thereabouts measured in a north-westerly direction from the eastern end of the embankment of Reservoir No. 9. The said Conduit No. 10 being situated in the following townlands viz. Castlekelly Glassavullaun Ballymorefinn Glassamucky Allagour and Ballinascorney Lower and parish of Tallaght.

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For pro-
tection of
the Upper
Millowners.

7. For the protection of the Upper Millowners the following provisions shall be observed and have effect:—

(1.) The Commissioners shall cause to flow into the River Dodder for the use of the Upper Millowners the quantity of compensation water prescribed by the Act of 1880 (in this Act called "the compensation water") and the compensation water shall be discharged out of Reservoir No. 9 but if necessity shall arise then out of Reservoir No. 1 and the Upper Millowners shall be entitled to their supply of the compensation water from Reservoir No. 9 or if necessity should arise out of Reservoir No. 1 in priority to any other supply of water which the Commissioners are bound or empowered to give. But unless such necessity arises the Commissioners shall be authorised and at liberty to deal as freely in all respects with the waters in or flowing to Reservoir No. 1 as they might have done under the provisions of the Act of 1880 but for this enactment:

(2.) The necessity referred to in the immediately preceding enactment shall be deemed to have arisen when and as soon as the level of the water in Reservoir No. 9 has fallen from the top water level of Reservoir No. 9 by 30 feet and thenceforth and until the Reservoir No. 1 is completely emptied the level of the water in Reservoir No. 9 shall not be allowed to fall by more than 30 feet from the said top water level of the Reservoir No. 9:

(3.) Such additional gauges or other appliances (if any) as are necessary to ensure the measurement and due delivery of the compensation water in the event aforesaid from Reservoir No. 1 in aid of Reservoir No. 9 shall be forthwith added by the Commissioners and maintained by them:

(4.) Conduit No. 10 shall at all times be maintained by the Commissioners in a thoroughly efficient state for the purposes of the Act of 1880 and this Act and with that object (unless the Commissioners and the Millowners otherwise agree as hereinafter mentioned) the gauges or other appliances authorised by the Act of 1880 shall upon lands of the Commissioners and so far as such gauges or other appliances relate to Conduit No. 10 be modified or re-arranged in manner following (that is to say):—

Conduit No. 10 shall (save as herein-after provided or as may be otherwise agreed between the Upper Millowners and the Commissioners) be maintained as an open watercourse and without any means by which water can be abstracted from the commencement of Conduit No. 10 to the point marked A on a plan to be signed by the engineer to the Upper

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Millowners and the engineer to the Commissioners respectively or in case of difference to a point which shall be fixed by an independent engineer to be nominated by the Board of Trade as herein-after mentioned and from that point to the head of the present line of 27-inch pipes water shall be passed by suitable means designed as far as possible to admit of water to the amount of 1,500 cubic feet per minute passing to the said line of 27-inch pipes and to prevent water being abstracted from Conduit No. 10 into Reservoir No. 9 until the water flowing in the said conduit is in excess of the said quantity of 1,500 cubic feet per minute And at the head of Reservoir or Work No. 1 and between the reservoirs and at the termination or foot of the present line of 27-inch pipes below Reservoir No. 9 such gauges or other similar appliances shall be so constructed as to show whether or not the same quantity of water which enters the head of the said line of 27-inch pipes passes out at the termination or foot of the said line of pipes into the bed of the said river :

- (5.) All gauges and appliances referred to in this section and intended for the protection of the rights of the Upper Millowners shall be of a description and shall be constructed on plans designed or approved by the engineer to the Upper Millowners and by him submitted to the engineer to the Commissioners and if not approved of and agreed to by the engineer to the Commissioners then the difference shall be determined and the gauges and other appliances shall be constructed in accordance with plans to be approved by an independent engineer nominated on the application of either party by the Board of Trade whose decision shall be final and such gauges and appliances shall be constructed and completed by the Commissioners within nine months after the approval of the plans by the engineers to the Upper Millowners and the Commissioners or in case of difference within nine months after the approval of the plans by the independent engineer to be appointed by the Board of Trade or within such other period as may be agreed upon between the Upper Millowners and the Commissioners :
- (6.) The several gauges and appliances referred to in this section shall at all times be open to the inspection and examination of any person appointed for that purpose by the Upper Millowners and the Commissioners shall afford him full facilities for such inspection and examination If at any time any such gauge or other appliance shall be out of repair or in an unfit condition for the purposes for which it is intended the

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Commissioners shall forthwith put the same into proper repair and if they fail to do so within fourteen days after notice in writing given to them in that behalf by or on behalf of the Upper Millowners then the Upper Millowners may themselves cause the said gauge or other appliance to be put into repair and condition and may recover the reasonable cost of so doing from the Commissioners :

- (7.) The Upper Millowners and the plaintiffs in the action of Herron and others *v.* the Rathmines and Rathgar Improvement Commissioners shall be fully indemnified by the Commissioners against all costs as between party and party and as between solicitor and client and against all charges and expenses incurred by them in relation to the matters in dispute including the Parliamentary or other costs and expenses of and incident to these provisions and of carrying the same into effect and of reporting upon and (if necessary) designing inspecting and approving of the aforesaid gauges and other appliances by their engineer when completed. Provided always that the amount payable in respect of such costs shall be ascertained by taxation by the proper officer in that behalf as nearly as may be in the usual manner and that the amount payable in respect of such charges and expenses shall be such only as shall be reasonable and proper.

Costs and expenses how to be defrayed.

8. All or any sums of money required for defraying the taxed costs as aforesaid of the Upper Millowners and the plaintiffs or of the Commissioners in the action of Herron and others *v.* the Rathmines and Rathgar Improvement Commissioners together with any sums required for defraying such charges and expenses in relation to the matters in dispute and such Parliamentary or other costs and expenses as aforesaid shall be borrowed by the Commissioners in the manner and subject to the conditions herein-after contained (and such taxed costs and such costs charges and expenses respectively are in this Act together referred to as "the taxed costs").

Upper Millowners and Commissioners may agree to substitute other gauges &c.

9. In case the modification and re-arrangement of the gauges and other appliances upon or relating to Conduit No. 10 as hereinbefore provided shall not be found in all respects practicable or expedient the Upper Millowners and the Commissioners may if they think fit agree to substitute such other gauges or appliances and in such positions upon the lands of the Commissioners as the engineer of the Upper Millowners and the engineer of the Commissioners jointly shall recommend and adopt or failing agreement between them as may be determined by an engineer to be nominated by the Board of Trade as aforesaid. And the decision of the last-mentioned engineer shall be final.

The Commissioners shall carry out any work agreed or by this Act required to be constructed for the protection of the Upper Millowners with all practicable despatch but shall not be responsible for any delay caused by the engineer to the Upper Millowners or by the engineer (if any) nominated by the Board of Trade.

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10. Subject to the delivery of the compensation water in manner aforesaid to the Upper Millowners the Commissioners may at any time and from time to time take all such steps and do all such acts as they deem necessary or expedient for cleansing or repairing their reservoirs or any mains pipes sluices or gauges therein thereunder or connected therewith or any other works of the Commissioners and may for such purposes empty the reservoirs. Provided always that the Commissioners shall not empty Reservoir No. 9 at the same time as they empty Reservoir No. 1.

As to
emptying
cleansing
&c. of
reservoirs.

11. The Commissioners shall possess and may exercise *mutatis mutandis* the same powers in all respects of taking collecting diverting impounding storing up using and appropriating waters by means of the waterworks and for the purposes of this Act as were conferred upon the Commissioners by the Act of 1880 in relation to the works by that Act authorised and for the purposes of that Act. But not so as to take any waters by the Act of 1880 reserved for the Upper Millowners other than and except the waters of the streams in the townland of Allagour which although by the Act of 1880 reserved for the Upper Millowners the Commissioners under the powers of this Act are to be at liberty and are hereby authorised to take collect divert impound store up use and appropriate by means of the waterworks :

As to user
of streams.

Provided always that all the provisions contained in section 11 of the Act of 1880 in reference to the construction of Work No. 10 of the Act of 1880 and a suitable gauge in connection therewith shall be deemed to have been repealed and superseded by the provisions in this Act contained as to Conduit No. 10 and as to the gauges or other appliances connected therewith to be constructed as hereinbefore mentioned for the protection of the Upper Millowners.

12. All or any acts done or moneys expended by the Commissioners or their officers in or towards the construction and carrying out of Reservoir No. 9 and Conduit No. 10 shall be as good and valid to all intents and purposes as if such acts respectively had been done or moneys expended in or towards the construction and carrying out of the Works Nos. 9 and 10 authorised by the Act of 1880.

Confirmation
of acts &c.
of Commis-
sioners and
their officers.

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Dissolving
injunctions
of Master
of the Rolls
Court of
Appeal and
House of
Lords.

13. On and from the passing of this Act the several injunctions and orders of the Master of the Rolls of the Court of Appeal and of the House of Lords respectively made or issued in the action of Herron and others *v.* the Rathmines and Rathgar Improvement Commissioners with relation to the Commissioners and the Upper Millowners or both or either of them shall be deemed to have been satisfied and the same shall cease to have any effect and the said several injunctions and orders shall be and are by virtue of this Act dissolved or recalled accordingly.

Works
ordered
by Court of
Appeal no
longer
necessary.

14. The Commissioners shall not be required to maintain the works which they have constructed in conformity with the order of the Court of Appeal in Ireland by this Act dissolved or recalled and the Commissioners are hereby discharged from all liability in respect of the same.

Saving of
rights under
Act of 1880.

15. The following sections of the Act of 1880 for the protection of the several persons and interests specifically named in such provisions shall remain valid and effectual in the same manner as if the several provisions of the said sections had been repeated re-enacted and made applicable in this Act (that is to say) Section 10 (Fire-plug to be provided) Section 17 (Compensation to owners &c. of mills &c. in River Dodder) Section 18 (Reservation of claims for compensation) Section 64 (Rating of Dublin Wicklow and Wexford Railway) Section 65 (Underground gas-pipes how rated) Section 83 (Reservation of rights of Corporation under Acts) Section 84 (Indemnity to Corporation in respect of actions) Section 85 (Protection of Edward Cecil Guinness) Section 86 (Protection of Alliance Gas Company) and Section 87 (Saving rights of Commissioners).

Power to
make a
diversion
of Conduit
No. 10.

16. The Commissioners notwithstanding the confirmation and legalisation by this Act of Conduit No. 10 as already constructed in accordance with the deposited plans of the waterworks shall make and maintain in the lines and according to the levels shown on the deposited plans of the diversion the diversion or variation of Conduit No. 10 herein-after described and they may enter upon and take and use such of the lands delineated on the said plans of the diversion and described in the deposited books of reference relating thereto as may be required for that purpose (that is to say) :—

A diversion or variation of the Conduit No. 10 as now constructed commencing at a point in such conduit situated in the townland of Castlekelly distant 22 yards or thereabouts measured in a north-easterly direction from the north-eastern corner of

the house now inhabited by Edward Rafter and terminating at a point in such conduit situated in the said townland of Castlekelly distant fifty yards or thereabouts measured in a southerly direction from the centre of the bridge carrying the county road from Castlekelly to Ballinascorney over the said conduit The said work will be situated in the townland of Castlekelly and parish of Tallaght The said diversion will be constructed and maintained as an open watercourse.

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—

17. The Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans of the additional waterwork the additional waterwork herein-after described and they may enter upon take and use such of the lands delineated on the said plans of the additional waterwork and described in the books of reference relating thereto as may be required for that purpose (that is to say) :—

Power to execute additional waterwork.

A line of pipes commencing in the bed of the stream (tributary to the River Dodder) flowing through the hamlet in the townland of Glassavullaun at or near the junction of the road leading to the said hamlet in Glassavullaun with the county road leading from Castlekelly to Ballinascorney where the said county road passes near the said hamlet and terminating at a point 110 yards or thereabouts measured in a northerly direction along the occupation road from the north-east angle of the house in the occupation of Margaret Jones The said line of pipes will be situated in the townland of Glassavullaun and parish of Tallaght.

18. The Commissioners may by means of the said line of pipes divert take and conduct into Reservoir No. 1 authorised by the Act of 1880 for the purposes of the water undertaking the waters of the said stream flowing through the said hamlet and the powers conferred on the Commissioners by this section shall be in addition to and not in substitution for the powers already possessed by the Commissioners of taking and using the waters of the said stream.

Power to take waters of stream.

19. Subject to the provisions of this Act the Commissioners may in the construction of the diversion and additional waterwork by this Act authorised deviate laterally from the lines thereof shown on the deposited plans relating to the diversion and to the additional waterwork respectively to any extent not exceeding the limits of lateral deviation defined on the said plans respectively and may deviate vertically from the levels shown on the deposited

Limits of lateral and vertical deviation.

A.D. 1893. sections relating to the additional waterwork to any extent not exceeding ten feet but so that the additional waterwork shall be constructed below the surface of the ground.

Period for completion of works.

20. The diversion and the additional waterwork by this Act authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Commissioners for executing such diversion and additional waterwork respectively shall cease except as to so much thereof as shall then be completed. Provided always that nothing contained in this or in any of the former Acts relating to the township shall prevent or restrain the Commissioners from enlarging and extending or otherwise altering renewing relaying or repairing their mains and pipes and works of distribution filter beds or other similar works from time to time as occasion requires and whenever they may deem it necessary or proper so to do.

Powers for protecting waterworks and water supplies of Commissioners.

21. The Commissioners may upon any lands which they now have or may hereafter acquire in connection with their water undertaking under the powers of this Act—

(1.) Construct all such drains channels pits and other subsidiary works and conveniences as they think necessary or desirable for arresting and diverting any sewage matter or polluting liquids and for preventing the same from reaching entering or polluting any of the reservoirs or watercourses of the Commissioners or any waters flowing into the same and may similarly construct any such works as aforesaid for arresting and diverting any pure waters of the Commissioners and preventing these from reaching or mixing with sources of pollution :

And the Commissioners may upon the said lands or any of them which may be suitable for that purpose—

(2.) Plant grow and cultivate trees shrubs and suitable plants for hardening the ground and for the strengthening protection and embellishment of their waterworks and otherwise :

And such powers (1) and (2) respectively shall be in addition to any powers already possessed by the Commissioners but shall not in any way interfere with the efficiency of Conduit No. 10 or affect the right of the Upper Millowners to their supply of compensation water as aforesaid or to the quantity of water to the amount of fifteen hundred cubic feet per minute flowing through Conduit No. 10 to which they are entitled as aforesaid.

22. It shall be lawful for the Commissioners to hold any lands to be acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or of any Act herewith incorporated and it shall not be lawful for the Commissioners to erect buildings on any such lands except for waterworks purposes.

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Power to hold lands needful to protect waterworks.

23. In addition to and without prejudice to any provisions contained in the Act of 1880 or this Act with regard to waste or the misuse of water supplied by the Commissioners no person supplied by the Commissioners with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connection with any machinery or apparatus whatsoever or for any purposes other than domestic purposes as defined by the Act of 1880 except under or by virtue of an arrangement or contract in that behalf previously entered into with the Commissioners and every person offending against this enactment shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding five pounds and a continuing daily penalty not exceeding forty shillings Provided always that if water supplied by the Commissioners to any premises for domestic purposes has been or is being used or suffered to be used for purposes other than domestic purposes as defined by the Act of 1880 the Commissioners may unless and until an arrangement or contract for a supply of water for purposes other than domestic purposes is entered into with respect to such premises require that the water supplied to such premises shall be supplied and taken by measure only.

Water supplied for domestic purposes not to be used for other purposes.

24. It shall not be lawful for the owner or occupier of any house or premises supplied with water for domestic purposes by the Commissioners without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Commissioners or to any service pipe or apparatus of such owner or of any other owner or occupier without the like written consent of the Commissioners for the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements of roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding forty shillings:

Tube or hose not to be affixed to mains or pipes without consent of Commissioners.

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Charges
with refer-
ence to
water sup-
plied by
measure.

25. In any case where the Commissioners require that water supplied by them shall be supplied and taken by measure the Commissioners may make collect and recover reasonable charges for water so supplied by them to any public authority company or person taking such supply and such charges shall be recoverable by the Commissioners in manner provided by the Act of 1880 with reference to the Rathmines and Rathgar water rate Provided always that a schedule of any such charges proposed to be made by them under the authority of this Act shall first have been approved by the Local Government Board for Ireland.

PART III.—LANDS,

Power to
acquire
lands.

26. The Commissioners for the general purposes of the water undertaking and in addition to any lands to be taken as herein-before authorised for the diversion or the additional waterwork may enter upon take use and hold the following lands in the county of Dublin delineated on the deposited plans of additional lands and described in the deposited books of reference relating thereto or parts of such lands as they may think fit (that is to say):—

- (1.) Certain lands in the townland of Castlekelly and in the parish of Tallaght and lying on the east and west sides of Work No. 10 and situated between the bridge carrying the county road from Castlekelly to Ballinascorney across Work No. 10 and the houses occupied by Edward Rafter and William Farrell and being parts of the properties numbered on the ordnance map (scale $\frac{1}{2500}$) 10 12 14 16 46 46A 47 47A 44 45 50 54 and 55 :
- (2.) Certain lands in the townland of Glassavullaun and in the parish of Tallaght and bounded on the west by the county road leading from Castlekelly to Ballinascorney on the east by the boundary fence of the land owned by the Commissioners and on the north by a fence distant 178 yards or thereabouts measured in a south-easterly direction from a point where the boundary between the townlands of Glassavullaun and Ballymorefinn crosses the said county road and being parts of the properties numbered on the ordnance map (scale $\frac{1}{2500}$) 81 and 15 Provided always that nothing in this Act contained shall authorise or empower the Commissioners to take or interfere with any part of the said county road leading from Castlekelly to Ballinascorney :
- (3.) Certain lands in the townlands of Ballymorefinn and Glassamucky in the parish of Tallaght and lying between the eastern end of the embankment of Work No. 1 and a point distant on

the boundary fence of the land owned by the Commissioners measured in a north-westerly direction in a straight line 493 yards or thereabouts and being parts of the properties numbered on the ordnance map (scale $\frac{1}{2500}$) 11 and 12 in the townland of Ballymorefinn and 164 167 168 169 135 and 135A in the townland of Glassamucky :

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(4.) Certain lands in the townland of Allagour and parish of Tallaght and bounded on the east by the boundary fence of the land owned by the Commissioners and on the south by the boundary between the townlands of Allagour and Ballymorefinn and being parts of the properties numbered on the ordnance map (scale $\frac{1}{2500}$) 10 14 20 24 28 29 and 30 :

(5.) Certain lands in the townlands of Kiltipper and Ballinascorney Lower and parish of Tallaght and lying on the south side of the county road leading from Fort Bridge to Ballinascorney and extending from said bridge along said county road a distance of 247 yards or thereabouts and being parts of the properties numbered on the ordnance map (scale $\frac{1}{2500}$) 30 in the townland of Kiltipper and 2 in the townland of Ballinascorney Lower.

27. The powers by this Act granted to the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after three years from the passing of this Act.

Period for compulsory purchase of lands.

28. The Commissioners shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were occupied wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland 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 For the purpose 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 income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Restriction on taking houses of labouring class.

29. The Commissioners may by agreement purchase and hold for the purposes of this Act in addition to the lands delineated on the deposited plans and referred to in the deposited books of

Additional land by agreement.

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reference any quantity of land not exceeding in the whole ten acres. But nothing in this Act shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them on any land so purchased.

Sections of
Act of 1880
made appli-
cable.

30. Sections 21 to 23 inclusive of the Act of 1880 shall be deemed to be repeated in this part of this Act and shall with any necessary modifications apply to any lands acquired by the Commissioners in connection with their water undertaking.

PART IV.—IMPROVEMENTS.

Commissioners
may contribute
towards cost
of improving
Charlemont
Bridge and
Clanbrassil
Bridge.

31. The Commissioners may out of their funds contribute towards the improvement of the bridges known as Charlemont Bridge and Clanbrassil Bridge or either of them carrying the public roads leading from the city of Dublin to the township over the Grand Canal and of the approaches to such bridges respectively.

Commis-
sioners may
acquire
green by
agreement.

32. The Commissioners may accept and take a transfer or transfers of the lands forming the green or any of them under the Open Spaces Acts 1877 to 1890 or otherwise and may enter into agreements for such purpose and with reference to the laying out and maintaining of any road or roads or other matters in connection with the green and may apply their funds in and towards the purposes of such transfer and other matters as aforesaid.

Power to
take green.

33. If the Commissioners within six months after the passing of this Act are unable to acquire the green effectually by transfer under the Open Spaces Acts or otherwise by agreement the Commissioners in their discretion and subject to the provisions of this Act may enter on take and use the following lands forming the green as the same are delineated on the deposited plans as to Harold's Cross and described in the books of reference relating thereto and may hold the same in the manner and for the purposes herein-after mentioned (that is to say):—

Certain lands known as "Harold's Cross Green" situated in the township and in the townland of Harold's Cross and parish of St. Peter's and barony of Upper Cross and consisting of about 3 acres 1 rood and 4 perches and bounded as follows (that is to say) On the east side by the road leading from Terenure to Clanbrassil Bridge over the Grand Canal on the west side by the road leading from Kimmage to Clanbrassil Bridge aforesaid and on the south side by a road leading from the first-mentioned road at a point opposite Old Court to a point on the Kimmage Road opposite the Harold's Cross Flour Mill.

34. When the green has been acquired by the Commissioners by agreement or otherwise under this Act the following provisions shall have effect with reference thereto:—

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—
Provisions
as to green.

- (1.) The Commissioners shall hold and maintain the green as a public park or place of recreation for the inhabitants of the township and for general use in such manner and to such extent as the Commissioners from time to time think fit and they may enclose lay out drain plant and ornament the same and appoint and pay officers and servants in connection therewith and they shall always keep the same open and unbuilt on excepting only as regards the erection of any shelters for the use of the public or of any buildings required for the use of officers or servants for the preservation of the green which they may think proper to erect:
- (2.) Any rights of way or other rights on over under through or connected with the green shall on the green being acquired by the Commissioners be extinguished and the green shall remain vested in the Commissioners for the purposes of and subject to the provisions of this Act:
- (3.) The Commissioners upon the lands to be acquired by them by agreement or otherwise as aforesaid as part of or in connection with the green may lay out and maintain such roads as they may think fit either outside the railings or fence of the green or inside the green for the use of the public:
- (4.) Any person throwing any rubbish into the green or trespassing therein or getting over the rails or fence thereof or stealing or damaging flowers or plants therein or committing any nuisance therein may be apprehended by any police constable under the authority of this Act and every such offender (whether so apprehended or not) shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings:
- (5.) The Commissioners from time to time (in addition to the powers conferred on an urban authority by section 44 of the Public Health Acts Amendment Act 1890) shall have and may exercise the power of making byelaws for the management of the green and for the preservation of order among persons therein for setting apart particular spaces for games and for fixing the time when the green shall be open to the public and when closed and for the regulation of the use thereof generally as a public park or place of recreation Provided always that no regulation or byelaw to be made by the Commissioners under this section limiting the military user of

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the green shall have effect so far as regards the military until approved of in writing by the Secretary of State for War:

- (6.) The Commissioners may apply money in their hands or borrowed by them for the purpose towards acquiring and laying out the green as a public park and recreation ground and roads in connection with the same and in maintaining the green and matters connected therewith.

Provisions
of Public
Parks (Ire-
land) Acts
applied.

35. The Commissioners for or in connection with the purposes of this Act shall likewise possess and may exercise with respect to the green all such rights powers and authorities for the establishment maintenance and regulation of a public park and of levying rates and borrowing money in connection therewith as are conferred on a governing body under and by virtue of the provisions of the Public Parks (Ireland) Act 1869 and the Public Parks (Ireland) Act 1869 Amendment Act 1872.

Commis-
sioners to
maintain
road lead-
ing from
Cowper
Road to
Milltown
Road.

36. From and after the passing of this Act the Commissioners shall be authorised to maintain the way in the township and in the parish of St. Philip Milltown and barony of Upper Cross shown on the deposited plans of the way commencing by a junction with Cowper Road and terminating at the junction of that road with the Milltown Road at or near the viaduct of the Dublin Wicklow and Wexford Railway Company over the River Dodder as one of the public roads of the township under their jurisdiction.

Commis-
sioners may
erect a
town hall &c.

37. The Commissioners on any lands within the township belonging to them or to be acquired by agreement or leased for that purpose for any term having not less than 86 years to run may erect and maintain a town hall public offices and public library for the use of the Commissioners and for the purposes of the township and the Commissioners may from time to time furnish and equip the said buildings in a suitable manner Provided that the Commissioners may if they think fit let temporarily or grant the use of such buildings or of any of them on such terms and conditions as they may deem expedient for any object or purpose not inconsistent with the use of such buildings for purposes relating to the township.

Public
Libraries
Acts made
applicable.

38. All or any powers conferred by the Public Libraries Acts 1855 to 1884 or any of those Acts may in connection with and for the purposes of this Act be exercised and enjoyed by the Commissioners whether the public library forms part of the town hall and public offices or occupies a separate and distinct building.

39. The Commissioners may from time to time on any land belonging or leased to them erect fit up maintain and let houses or cottages for the caretakers and servants or any of them employed by the Commissioners in connection with their water undertaking upon such terms and conditions as the Commissioners from time to time shall think fit to attach thereto.

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Powers to erect cottages for caretakers and servants.

40. In the event of a more suitable position for the erection of artizans dwellings being found within the township the Commissioners shall be relieved from any obligation under the Act of 1885 to erect dwellings of that class upon the site originally intended at the Chains and Streamville and they may appropriate the said site to other purposes or may dispose of the same Provided always that the said substituted and more suitable site shall first have been selected and obtained by the Commissioners and arrangements made for the erection of the said artizans dwellings before the Chains and Streamville site is otherwise disposed of and the Commissioners shall have and may exercise all necessary powers for erecting artizans dwellings on such substituted site when obtained.

Powers as to artizans dwellings.

PART V.—LOCAL GOVERNMENT.

41. The provisions of this part of this Act shall apply exclusively in and to the township.

Part V. confined to township.

42. Every person who proposes to erect any house or building or to alter the structure of any existing house or building or to use for human habitation any existing house or building which has not previously been used for that purpose shall lodge with the Commissioners an application for authority so to do and such application shall set forth a description of the intended house or building or alteration and shall be accompanied by a plan of the site showing the immediately contiguous properties and also the position and width and name of any street or footpath giving access to the property or upon which it abuts and also plans sections and elevations and such detailed drawings as are necessary to show the height and mode of structure and arrangement of the intended house or building or alteration and the lines of the intended drainage thereof and the levels thereof relating to the street or footpath and to the sewer or drain with which the soil pipes and drains of the property to be built or altered are intended to be connected And until the Commissioners have returned such application for authority approved in whole or in part as the case may be no person shall proceed in the construction or carrying out of the works mentioned in the said application

Plans of new buildings &c. to be submitted for approval of Commissioners.

A.D. 1893. — Provided always that such application shall be returned by the Commissioners with their decision thereon within one month from the receipt of such application or they shall be deemed to have approved thereof.

Notice of
intention to
lay out new
road to be
given.

43. Every person who intends to form or lay out any new road or street shall give notice thereof to the Commissioners and along with such notice he shall lodge with the Commissioners a plan of the proposed new road or street with longitudinal and cross sections showing the proposed levels and width thereof its intended position in relation to the streets nearest thereto the intended lines of drainage and the intended size depth and inclination of each drain and the details of the arrangement proposed to be adopted for the ventilation of the drains in order that the level of the road and other matters connected therewith may be considered and determined on by the Commissioners within one month after the giving of such notice and the lodging of such plans Provided always that it shall be competent for the Commissioners if they deem it right and proper to allow modifications to be proposed or made in such plans and to grant any necessary extension of time for that purpose before giving their final decision.

Penalty for
forming
streets or
buildings
contrary to
Act.

44. Every person who shall after the passing of this Act form or lay out or permit or suffer to be formed or laid out any new street or road or who shall build add to or alter any house or building or permit or suffer the same to be done contrary to the provisions of this Act (unless the same shall have been formally sanctioned by the Commissioners on a consideration of the special circumstances of the case which sanction they are hereby empowered to give) shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

No buildings
allowed
until street
formed &c.

45. No person except with the consent of the Commissioners shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Commissioners to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No hoard
&c. to be
erected with-
out license
from the
Commis-
sioners.

46. It shall not be lawful for any person to erect or set up in any street or road any hoard fence or scaffold for any purpose whatever without a licence in writing first had and obtained from the Commissioners and every such license shall state the place where such hoard fence or scaffold is to be erected set up or hung

and the size thereof and the purpose for which it is to be used and the time for which it is to be permitted to continue and any conditions to be observed by the grantee of the license.

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For every such license there shall be payable such reasonable fee not exceeding twenty shillings as shall from time to time be fixed by the Commissioners.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

47. The Commissioners may from time to time make and enforce byelaws for regulating the erection and position of hoardings for the exhibition thereon of advertisements and for requiring the proper maintenance of such hoardings when erected and the removal thereof if the same are unsafe And for the purposes of this section the word "hoardings" means and includes any frames posts scaffolds or other structures used temporarily or permanently for the exhibition of advertisements.

Byelaws as to advertisement hoardings.

48. If the chimney of any house or other building is on fire the occupier of such house or building shall be liable to a penalty not exceeding ten shillings but if such occupier proves that he has incurred such penalty by reason of the neglect or wilful default of any other person he may recover summarily from such person the whole or any part of the penalty he may have incurred as occupier.

Penalty where chimneys are on fire.

49. In addition to any powers of making byelaws heretofore possessed by them the Commissioners may from time to time after the passing of this Act make byelaws with respect to the position and erection of hay-ricks or stacks with reference to the registration construction inspection and keeping in a sanitary condition of dairies cowsheds and dairy yards and for preventing any animals other than cows being kept therein or thereon and with respect to new buildings streets and roads and with respect to the public library and other matters affecting the good government and welfare of the township and may impose penalties not exceeding five pounds for each offence against such byelaws and a daily penalty of forty shillings.

Power to make byelaws.

50. All buildings offices and premises at present existing or hereafter to be built vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public purposes or in the occupation of any department of Her Majesty's Government or used or employed for public purposes shall be exempt from the operations of Part V. of this Act.

Saving as to public buildings.

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PART VI.—FINANCE AND MISCELLANEOUS.

Confirmation
of byelaws.

51. Byelaws made by the Commissioners under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board for Ireland and sections 219 220 221 222 and 223 of the Public Health (Ireland) Act 1878 shall apply accordingly to all byelaws made by the Commissioners under the powers of this Act.

Prosecution
of offences.

52. All offences penalties costs and expenses under this Act or under any byelaw made in pursuance of this Act the prosecution and recovery of which are not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Commissioners under this Act shall (where not otherwise directed) be paid over to their secretary and be carried to the credit of such of the township funds as the Commissioners may determine.

Errors and
omissions
in plans &c.
may be cor-
rected by two
justices.

53. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or books of reference relating to any of the purposes of this Act it shall be lawful for the Commissioners after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two justices for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace of the county of Dublin and shall also be deposited with the clerk of the union within which the lands affected thereby shall be situate and such certificate shall be kept by such clerk of the peace and clerk of the union respectively along with the other documents to which it relates and thereupon such plans or books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands in accordance with such certificate.

Power to
borrow.

54. In addition to the sums of money authorised to be borrowed by the Commissioners before the passing of this Act they may from time to time borrow at interest any further sum or sums by the creation and issue of township stock on security of the rates rents

and revenues coming to the Commissioners or on such of those rates rents and revenues as they shall think fit not exceeding in amount the following (that is to say):—

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- (1.) For any purposes by this Act authorised relating to their water undertaking any sum not exceeding the amount of twenty-five thousand pounds :
- (2.) For any purposes by this Act authorised relating to the township other than the purposes relating to the water undertaking any sum not exceeding the sum of twenty thousand pounds.

55. All moneys borrowed by the Commissioners under the authority of this Act may be borrowed in like manner and shall belong to the same class and possess the like incidents as moneys borrowed by them under the authority of the Acts of 1880 1885 and 1892 respectively and for that purpose Part VI. (Borrowing Powers) and Part VII. (Township Stock) of the Act of 1885 shall be incorporated with this Act and any such power of borrowing as aforesaid shall be and be deemed "a statutory borrowing power" within the meaning of section 40 of the Act of 1885.

Moneys
how to be
borrowed.

56. The said moneys authorised to be borrowed by the Commissioners under the authority of this Act shall be applied—

Application
of moneys
borrowed.

- (A.) As to the said sum of twenty-five thousand pounds towards the purposes of the water undertaking of the Commissioners to which capital is properly applicable (including payment of the taxed costs as aforesaid) :
- (B.) As to the said sum of twenty thousand pounds towards any of the objects or purposes (other than purposes relating to the water undertaking of the Commissioners) authorised by this Act and to which capital is properly applicable including the costs charges and expenses of and incidental to this Act (other than the taxed costs as aforesaid) and any contributions towards the improvement of bridges or roads as aforesaid.

57. In calculating the sum which the Commissioners shall be at liberty to borrow under the provisions of the Public Health (Ireland) Act 1878 the sums borrowed or authorised to be borrowed for waterworks purposes under this Act shall not be reckoned.

Certain regu-
lations of
Public Health
(Ireland) Act
1878 not to
apply.

58. For the purposes of section 65 of the Commissioners Clauses Act 1847 and of all or any other Acts relating to the Commissioners or the township the Commissioners may if they think fit appoint and keep appointed the Bank of Ireland or any other bank or a banker as the treasurer to the Commissioners with such remuneration (if any) as they may think expedient.

Bank may
be appointed
to act as
treasurer.

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Expenses of
execution
of Act.

59. All expenses for the execution of this Act by the Commissioners which are not otherwise provided for may be defrayed out of such of the township funds or rates as the Commissioners having regard to the objects of the expenditure may deem to be just and proper.

Costs of
Act.

60. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall (unless paid out of borrowed moneys) be paid by the Commissioners out of their rates or funds in such proportions as they shall determine as regards their several funds and such costs charges and expenses shall include the costs incurred by the Commissioners in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act and all such costs charges and expenses shall be taxed and ascertained by the taxing officer of the House of Lords or House of Commons Provided always that if the Commissioners pay such costs charges and expenses out of borrowed moneys they shall pay off the amount borrowed by means of a sinking fund or by equal annual instalments within ten years from the date or respective dates of borrowing the same.

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