

Act passed in the Thirty-fourth Year of His said Majesty King *George* the Third, intituled *An Act to explain and amend an Act passed in the Twenty-ninth Year of His present Majesty, intituled 'An Act for the better supplying the Inhabitants of certain Cities and Towns with Water;'* and by one other Act passed in the Forty-second Year of the Reign of His said Majesty *George* the Third, intituled *An Act for the amending, altering, and extending the Powers of the several Acts of Parliament now in force for supplying the City of Dublin with Water, and for making better Provision for that Purpose:* And whereas the said Provisions were further amended by one other Act passed in the Forty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for the better supplying the City of Dublin with Water:* And whereas another Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the more equal Applotment of certain Rates in the County of the City of Dublin and County of Dublin respectively:* And whereas under and by virtue of the said several recited Acts the Supply of Water to the City of *Dublin* has been vested in and put under the sole Control, Management, and Authority of the Corporation of the Borough of the City of *Dublin*, and the Lord Mayor, Aldermen, and Burgesses thereof are seised and possessed as of their Domain in Fee of the Stream from which the said Supply is to a considerable Degree derived: And whereas the Corporation have increased the Supply of Water by obtaining a further Supply from the Grand Canal under and by virtue of a certain Contract or Agreement with the Company of Undertakers of the said Canal made on or about the Seventh Day of *February* in the Year of our Lord One thousand eight hundred and six, and also by obtaining a further Supply from the Royal Canal under and by virtue of a certain Contract or Agreement made on or about the Twenty-fourth Day of *June* One thousand eight hundred and eight between the said Corporation and the said Royal Canal Company: And whereas the Citizens of *Dublin* have had by means of the said several Acts a sufficient Supply of wholesome Water assured to them for domestic Uses at a moderate Rate of Charge, and also a Supply of Water for extinguishing Fire: And whereas it has been deemed advisable to amend the said Acts, and to extend the Benefits so obtained by the Inhabitants who reside within the Limits of the Borough of *Dublin* to the Inhabitants of the several Parishes outside the Boundaries of the said Borough, but adjoining thereto, in order that a sufficient and wholesome Supply of Water for domestic Uses may be ensured to those Localities where the Population has of late Years considerably increased, and also a Supply of Water for the Purpose of extinguishing Fire: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, upon the Application of Twenty-one or more Household-ers of any Parish or Portion of a Parish situate in the County of *Dublin*, adjoining to but outside the Boundary of the Borough of the City of *Dublin*, each of such Household-ers occupying a Dwelling House assessed or rated under the Provisions of an Act passed in the First and Second Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the more effectual Relief of the destitute Poor in*

34 G. 3. (1.)

42 G. 3. c. 92.

49 G. 3. c. 80.

6 & 7 Vict.
c. 102.Supply of
Water vested
in Lord
Mayor, Al-
dermen, and
Burgesses.On Applica-
tion of
Twenty-one
Household-
ers of any
Parish situ-
ate in the
County of
Dublin, &c.,
Lord Lieute-

Ireland, as of the annual Value of Twenty Pounds or more, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to authorize the carrying this Act into execution within the said Parish or a Portion of a Parish, and for that Purpose to order and direct Two or more Justices of the Peace for the County of *Dublin* resident within the County of *Dublin* to convene a Meeting for the Purpose of carrying this Act into execution, and to preside thereat, such Orders and Directions to be signified by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors, or in his Absence by the Under Secretary; and a Copy of such Orders and Directions, with the Names of the Parties signing the Application for the same, to be inserted under the Directions of such Chief or Under Secretary in the *Dublin Gazette*, and in some One or more public Newspaper or Newspapers published in the City of *Dublin*.

nant may order Two Justices to call a Meeting for the Purpose of carrying Act into execution.

II. And be it enacted, That such Meeting shall be holden at some convenient Place within the said Parish or Portion of a Parish, (or within One Mile thereof, such Place being within the Limits of the said County,) and that the said Justices shall, within Ten Days after the Receipt of such Orders and Directions, signified as aforesaid, appoint and notify a Time and Place for the said Meeting, and that the Time appointed for holding the said Meeting shall not be less than Ten Days and not more than Twenty-one Days from the Time of the first Notification of the same, and that such Notification shall be made by affixing a Notice on the outer Door or Doors of any and every Parish Church and every Roman Catholic Chapel within such Parish or Portion of a Parish, and if there shall not be any Parish Church or Roman Catholic Chapel situate within the said Parish or Portion of a Parish, then on the principal Door or Doors of the Church and Roman Catholic Chapel situate nearest to the said Parish or Portion of a Parish, and also on the Parish Church and Roman Catholic Chapel of said Portion of any such Parish as may be situate nearest within the Borough of the City of *Dublin*, and also on the Town Hall of the City of *Dublin*, and also on the Door of the Sessions House where the General Quarter Sessions of the Peace shall be holden for that Portion of the County of *Dublin* in which the said Parish or Portion of a Parish is situate, and also by causing a Notice to be inserted Three Times in some One Newspaper published within said Borough.

Notice of Meeting to be given within Ten Days after Receipt of Order, and Time of holding Meeting not to be less than Ten Days or more than Twenty-one from Time of notifying same, to be posted on Places of public Worship, &c.

III. And be it enacted, That at any Meeting convened as hereinbefore directed every Person who shall reside within the Parish or Portion of a Parish, as the Case may be, where such Meeting shall be held, and who shall have been assessed or rated under the Provisions of an Act passed in the First and Second Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the more effectual Relief of the destitute Poor in Ireland*, for or in respect of a Dwelling House situate in any Parish or Portion of the same of the annual Value according to said Rate of Five Pounds or more, shall be admitted and entitled to vote thereat, and no other Person whatsoever.

Persons resident within Parish or Portion of a Parish, and rated under 1 & 2 Vict. c. 56. in respect of a House of the annual Value of 5*l.*, entitled to vote.

IV. Pro-

Persons
liable to be
rated en-
titled to vote.

IV. Provided always, and be it enacted, That when any Person shall have become liable to be rated in any such Parish or Portion of a Parish at any Time after the making of the last preceding Rate, and shall consent to be rated in the like Manner as if he had been actually rated for the same, such Person shall, if otherwise qualified, be entitled to vote as if he had been actually rated.

Persons
neglecting to
pay Rate not
entitled to
vote.

V. Provided always, and be it enacted, That no Person who shall have refused or neglected to pay any Rate duly imposed as aforesaid, and which shall have been demanded from him Seven Days previously, shall be entitled to vote or be present at any Meeting called as has been herein-before directed until he shall have paid and satisfied such Rate.

Controversy
as to Right to
vote to be
decided by
presiding
Justices.

VI. And be it enacted, That if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting, or Eligibility of any Person claiming to vote, or to be qualified or eligible to vote, such Controversy shall be determined by the said Justices presiding at such Meeting.

Clerk of
Guardians
to attend the
Meeting and
produce Rate
Book.

VII. And be it enacted, That the said Justices or one of them shall, Three Days previous to any such Meeting, summon or cause to be summoned the Clerk of the Guardians of the Poor Law Union in which the said Parish or Portion of a Parish is situate, who shall thereupon attend such Meeting, or in case of unavoidable Absence shall appoint some Person to attend on his Behalf, and shall then and there produce the Rate or Valuation Book or Books in which the said Parish or Portion of a Parish is rated or valued, in order that Reference may be had thereto, if necessary; and if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting, or Eligibility of any Person to vote, such Controversy shall be determined by reference to the said Book or Books so produced by the said Clerk of the Poor Law Guardians, who shall point out to the Justices presiding at such Meeting as aforesaid the Entry or Entries in the said Book of rating of the Person whose Vote or Eligibility to vote shall be so in controversy as aforesaid, and the said Justices shall thereupon give Judgment accordingly.

Penalty on
Neglect of
such Clerk.

VIII. And be it enacted, That if any Clerk of any Union shall refuse or neglect to attend, or to appoint some Person to attend on his Behalf as aforesaid, with the said Book or Books of Rate or Valuation, any such Meeting as he shall be so required to do by the said Notice, being either served on him personally, or left for him at the Workhouse of the Union wherein said Parish or Portion of a Parish is situate, he, on being convicted thereof before any Two or more Justices of the Peace of the County or the County of the City of *Dublin* on the Oath or Affirmation of any Person who shall sue for the same, shall forfeit and pay any Sum not exceeding Twenty Pounds, to be levied and recovered, with Costs, in a summary Way, by the Order and Adjudication of such Justices, and in default of Payment of any such Penalty or Forfeiture shall be levied by Distress or Sale of the Goods and Chattels of such Clerk by Warrant under the Hands and Seals of any
Two

Two Justices of the said County or City, one Half of such Penalty or Forfeiture to be paid to the Person who shall sue for the same, and the other Half, after deducting the Expences of so suing, to be ascertained by such Justices, to be paid over to the Treasurer of the Corporation of the Borough of the City of *Dublin*, and to be by him brought to the Credit of the Pipe Water Fund.

IX. And be it further enacted, That the said Justices to whom such Orders or Directions shall be given as aforesaid shall preside at any Meeting assembled as herein-before directed, and shall read or cause to be read the Requisition whereupon they shall have summoned such Meeting, and shall require the Persons thereat to determine by a Plurality of Votes whether the Powers given to the Corporation of *Dublin* in and by the several herein-before recited or any other Acts for the Purpose of supplying the Inhabitants of the City of *Dublin* with Water shall or shall not be adopted and acted upon within said Parish or Portion of a Parish for the Purpose of supplying the Inhabitants of said Parish or Portion of a Parish with Water.

Order of Proceedings at Meetings.

X. And be it further enacted, That if such Meeting shall determine against adopting the said Provisions such Meeting shall adjourn *sine Die*, and it shall not be competent for any Householders within the Parish or Portion of a Parish to make any Application as has been herein-before described, nor shall any such Orders and Directions as have been described issue for convening a like Meeting within the said Parish or Portion of a Parish for One Year, to be computed from the Day of such Adjournment aforesaid: Provided always, that at and after the Completion of One Year it shall become again competent to make such Application, and thereon to issue such Orders and Directions as aforesaid: Provided also, that if at any Time after the Completion of such One Year a Second Application may be made, and such Orders and Directions a Second Time issued, and a Meeting thereupon convened, and if such Second Meeting shall in like Manner determine against adopting the Provisions of this Act, such Meeting shall adjourn *sine Die*, and it shall not be lawful to make such Application as has been herein-before described, nor thereupon to issue such Orders and Directions for another Year, to be computed from the Time of Adjournment of such Second Meeting, and so for ever *toties quoties*; it being hereby intended, and it is hereby enacted, that no such Application shall be made, nor such Orders and Directions issued, nor any Meeting thereupon convened, as has been herein-before described, within any such Parish or Portion of a Parish during the Space of One Year from the Time of the Adjournment of any former Meeting at which a Vote shall have been come to by a Plurality of the Rate-payers present against the Adoption of the Provisions of this Act: Provided also, that upon the Completion of such Term of One Year from any such Adjournment the Power, Ability, Competency, Authority, and Duties by this Act created or conferred for the Purpose of bringing the Provisions of this Act into operation within any such Parish or Portion of a Parish shall revive and be restored, and be of the same Force, Effect, Validity, and Obligation as if no former Meeting had been at any Time convened.

In case of rejecting Affirmative of Resolution, Meeting to adjourn *sine Die*.

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XI. And

In case of a Decision for adopting this Act, Justices, &c. to affix their Names to a Return in duplicate ingrossed on Parchment.

XI. And be it enacted, That if at any such Meeting it shall be determined that the Provisions of this Act shall be adopted for the Purpose of enabling the Corporation of *Dublin* to supply the said Parish or Portion of a Parish with Water, and of extending into and over the said Parish or Portion of a Parish, and over the several Inhabitants thereof, all the Powers given by the said several herein-before recited or any other Acts in relation to a sufficient Supply of Water for the City of *Dublin* and the Inhabitants thereof, and also a Supply of Water to extinguish Fire, then and in such Case the said Justices and Three or more of the Inhabitants then and there present at such Meeting, and duly qualified to be so present, shall cause the said Determination in the Words of the Resolution deciding thereon to be ingrossed on Parchment in duplicate, and to attest the passing thereof by their Signatures; and in case there shall have been a Division called for on the putting of the Resolution, to have the Name of every Person then and there present, duly qualified, who shall vote either affirmatively or negatively for such Resolution, to be recorded as he shall declare his Intention as to the Nature of his Vote; and the said Justices shall then and there take said Vote *vivâ voce*, and record the same, and shall annex to the Ingrossment of the said Resolution the Names of such Persons so voting, and the Manner in which they shall have voted, and also shall authenticate the same with their the said Justices Signatures; and thereupon the said Justices shall, within Three Days from the Day of holding the said Meeting, cause the said Resolution so authenticated to be delivered to the Lord Mayor of the Borough of the City of *Dublin*, who shall cause the same to be lodged with the Town Clerk thereof.

Town Clerk at next Meeting of Council of Borough to submit Return to Council.

XII. And be it enacted, That after the said Return shall be so lodged with the Town Clerk he shall at the next Meeting of the Council of the Borough of *Dublin* submit the same to such Council, who shall thereupon take the same into their Consideration; and if the said Resolution shall be affirmed by an Act of Assembly duly confirmed at a subsequent Meeting of the said Council, the said Town Clerk shall thereupon lodge the duplicate Return so made by the said Justices, and a Copy of the said Act of Assembly annexed thereto, in the Rolls Office of the Court of Chancery in *Ireland*, there to be duly enrolled; and thereupon on the same being enrolled all and every the Powers of the said several herein-before recited Acts shall, save and except in so far as the same are specially limited and restricted by the Provisions of this Act, be extended to the said Parish or Portion of a Parish as if such Parish or Portion of a Parish was situate within the Boundary of the Borough of *Dublin*, and such Parish or Portion of a Parish for the Purposes of this Act shall for ever thereafter be deemed and taken to be Part and Parcel of the Borough of *Dublin*; and it shall and may be lawful to and for the Corporation of *Dublin*, and for their Officers, for ever thereafter to carry all and every the Provisions of the said recited or any other Acts into full Force and Effect in the said Parish or Portion of a Parish as if the same were situate within the Limits of the Borough of *Dublin*; and a Copy of the said Enrolment duly attested by the proper Officer of the Rolls Office in *Ireland* shall be deemed and taken as sufficient Evidence of the said

said Act being in force in the said Parish or Portion of a Parish so far as regards the Supply of Pipe Water.

XIII. And be it enacted, That the Profits to be taken by the said Lord Mayor and Town Council shall not exceed Ten Pounds *per Centum per Annum* in any One Year on the Amount of the Monies expended in affording the said extended Supply, and in renting, erecting, and constructing suitable Buildings, Basins, and Filters, and in laying down Pipes and Mains, and in purchasing Land, including all proper Charges of Maintenance, Repairs, and Salaries of Officers and Servants; and if the clear Profits of the said extended Supply, calculated as aforesaid, shall in any Year amount to a larger Sum than Ten Pounds *per Centum per Annum* on all Monies paid or due as aforesaid, and to make up the like Amount of Profit during the Year next preceding to the Amount of Ten Pounds *per Centum per Annum* (but not the Profit of any other preceding Year), the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall from Time to Time be invested in Government or other Securities; and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities in order that the same may accumulate at Compound Interest until the Fund so formed shall amount to the Sum of Four thousand Pounds, which Sum shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of Profits of the said Lord Mayor and Town Council, or to meet any extraordinary Claim or Demand which may at any Time arise against the said Lord Mayor and Town Council for or on account of the Supply of Pipe Water to the several Parishes or Portions of Parishes within the Limits of this Act as aforesaid.

Profits of the Corporation limited to Ten per Centum.

Excess to be invested and form a contingent Fund.

XIV. Provided always, and be it enacted, That the Amount of the said Profits of Ten Pounds *per Centum per Annum* to be taken by the Corporation from and out of the said intended Supply shall be carried to the Credit of and form Part of the Pipe Water Fund of the said Corporation.

Profits of Corporation to be carried to Pipe Water Fund.

XV. And be it enacted, That when such Fund shall, by Accumulation or otherwise, amount to the Sum of Four thousand Pounds, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the said extended Supply of Pipe Water to which the Profits of the said Lord Mayor and Town Council are applicable; and an Abstract of the Accounts of the Lord Mayor and Town Council in respect of the said extended Supply, together with an Account of the said contingent Fund, shall be annually verified and laid before the Lord Lieutenant of *Ireland* in the same Manner, but in a distinct and separate Form, as the Expenditure of the Pipe Water Rent of the said Borough of the City of *Dublin* is now accounted for, pursuant to the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in Ireland*.

Abstract of Account of Receipts and Expenditure to be returned to the Lord Lieutenant.

3 & 4 Vict. c.108.

XVI. And

Rates to be reduced if Profits more than Ten per Centum.

XVI. And be it enacted, That the Lord Lieutenant, on the Petition of any Twenty-one Inhabitants Householders of any Parish or Portion of a Parish rated respectively under the Provisions of this Act, shall, if he shall so think fit, nominate and appoint some competent Person, not being a Member of the said Town Council, at the Expence of the Corporation, the Amount of such Expence to be ascertained and decided by such Lord Lieutenant, to examine and ascertain the actual State and Condition of the said extended Supply, and to make a Report thereof to the Lord Lieutenant; and the Lord Lieutenant may examine any Witnesses upon Oath touching the Truth of the said Accounts and Matters therein referred to; and if it shall thereupon appear to the Lord Lieutenant that the Profits of the Corporation in respect of the said extended Supply for the preceding Year shall have exceeded Ten Pounds *per Centum per Annum* on the Amount of the Monies expended as aforesaid in affording the said extended Supply of Pipe Water, the Corporation, in case the whole of the reserved Fund of Four thousand Pounds shall have been invested as aforesaid, shall make such a rateable Reduction in the Rents and Prices of Water to be furnished by them for the then current Year to the Inhabitants of such Parish or Portion of a Parish as in the Judgment of the Lord Lieutenant shall be proper, but so as such Rents or Prices when reduced shall ensure to the Corporation a Profit, as near as may be, to the Amount of Ten Pounds *per Centum per Annum* upon the Amount expended as aforesaid in affording the said extended Supply of Pipe Water.

Corporation may resort to contingent Fund in case divisible Profits are less than Ten per Centum.

XVII. And be it enacted, That if in any Year after the Formation of the said contingent Fund shall have been commenced the Profits of the said extended Supply shall not amount to the Sum of Ten Pounds *per Centum per Annum* on the Amount expended as aforesaid in supplying the same, then such a Sum may be taken from the contingent Fund as, with the actual divisible Profits of such Year, will enable the Lord Mayor and Town Council to derive a Profit of Ten Pounds *per Centum per Annum* on the Amount expended as aforesaid in affording the said extended Supply of Pipe Water, and so from Time to Time as often as the accruing Profits of the said Lord Mayor and Town Council shall fall short of Ten Pounds *per Centum per Annum* on the Amount expended as aforesaid in affording the said extended Supply of Pipe Water; but no Deficiency of any Year shall be made up after the Expiration of One Year next succeeding that in which such Deficiency shall arise.

Corporation empowered to construct Waterworks, &c.

XVIII. And be it enacted, That it shall be lawful for the Lord Mayor and Town Council, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Waterworks, Reservoirs, Cisterns, Tanks, Aqueducts, Catchwater Drains, Cuts, Conduits, Engines, Wastegates, Stopgates, Stopcocks, Sluices, Banks, Roads, Bridges, Pipes, Culverts, Tunnels, Machinery, and other Works, and also erect such Houses and Buildings upon the Lands, Brooks, Springs, and Streams hereby taken by the Corporation for the Purpose of this Act, as they shall think

think proper for supplying the Inhabitants within the Limits of this Act with Pipe Water.

XIX. And be it enacted, That in case the said Lord Mayor, Aldermen, and Town Council of *Dublin* shall be desirous to raise Money by Mortgage of the Rates and Tolls arising from the extended Supply of Pipe Water by this Act, authorized to be afforded to the several Parishes or Portions of Parishes situate in the City and County of the said Borough, and adjoining thereto, but outside the Boundary thereof, for the Purpose of affording the said Supply of Pipe Water, and carrying this Act into execution, then and in such Case it shall be lawful for the said Lord Mayor, Aldermen, and Town Council to borrow and take up at Interest of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Rates and Tolls any such Sum or Sums of Money, not exceeding the Sum of Four thousand Pounds, as to them shall seem meet and convenient, and they are hereby authorized and empowered to assign and make over the said Rates and Tolls to arise by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, to his, her, or their Trustee or Trustees, by Deed of Mortgage according to the Form following; (that is to say,)

‘ WE, the Lord Mayor, Aldermen, and Town Council of the City of *Dublin*, in consideration of the Sum of
 ‘ to us paid by *A. B.* of do hereby, by virtue of
 ‘ an Act passed in the bargain, sell, and transfer
 ‘ unto the said *A. B.* all and singular the Rates and Tolls arising by
 ‘ virtue of the said Act, and all the Right, Title, and Interest of us
 ‘ the said Lord Mayor, Aldermen, and Town Council in and to the
 ‘ same, to hold unto the said *A. B.*, his Executors, Administrators, and
 ‘ Assigns, until the Sum of together with
 ‘ Interest for the same after the Rate of *per Centum*
 ‘ *per Annum*, shall be fully paid and discharged. Given under our
 ‘ Seal, the Day of

And all and every Person or Persons to whom such Mortgage or Mortgages shall be made shall be equally entitled as Mortgagee or Mortgagees to his, her, or their Proportion or Proportions of the said Rates, Tolls, and Premises according to his, her, or their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Supply of Pipe Water to the said Parishes and Portions of Parishes, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Forty Days next after the Date thereof, be written

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and inserted (*gratis*) in One or more Book or Books to be kept by the Town Clerk of the said Borough of *Dublin*, which Book or Books may be perused at all seasonable Times by the Creditors of the said Pipe Water Rent; and every such Mortgagee, and all and every Person and Persons to whom any such Mortgage shall be transferred or assigned, or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, and their Mortgage or Security to any Person or Persons whomsoever; which Transfer shall be made by Deed duly stamped according to the Form following; (that is to say,)

Form of
Transfer.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ paid by *C. D.* of _____ do hereby
 ‘ transfer a certain Mortgage made by the Lord Mayor, Aldermen,
 ‘ and Town Council of *Dublin*, Number _____ deing dated
 ‘ the _____ Day of _____ for securing the
 ‘ Principal Sum of _____ and the Interest now due
 ‘ and hereafter to become due thereon, and all my Title, Right,
 ‘ and Property therein, to the said *C. D.*, his Executors, Adminis-
 ‘ trators, and Assigns. In witness whereof I have hereunto set my
 ‘ Hand and Seal, this _____ Day of _____
 ‘ in the Year of our Lord _____.’

And every such Transfer shall, within Forty Days after the Date thereof, be produced and certified to the said Town Clerk, who shall thereupon cause an Entry or Memorial to be made thereof containing the Date, Names of the Parties, and the Sums of Money thereby transferred in the said Bank or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry the said Town Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made every such Assignment shall entitle the Assignee or Assignees, his, her, or their Executor, Administrator, and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid shall be paid from Time to Time to the several Persons entitled thereto in preference to any Interest or Dividends due and payable by virtue of this Act or any of the said recited Acts.

Power to
break up
Streets, &c.
and open
Drains.

XX. And be it enacted, That for the Purpose of supplying Water to the Inhabitants within the Limits of this Act it shall be lawful for the said Corporation and they are hereby empowered to open and break up the Soil, Pavement, and Surface in and of the several Highways, Footways, Turnpike Roads, and Streets within the said Limits, and also any Sewers or Drains thereon, and to lay and place within such Limits Pipes, Conduits, Service Pipes, and other Apparatus and Conveniences, and to do all other Acts which the said Corporation shall from Time to Time deem necessary for supplying Water to the Inhabitants of the said Limits, according to the true Intent and Meaning of this Act, and also from Time to Time to open and break up such Soil, Pavement, Surface, Sewers, and Drains for
 the

the Purpose of repairing, altering, or removing any such Pipes, Conduits, Apparatus, or Conveniences, they the said Corporation doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any wilful Damage which may be done in the Exercise of such Powers.

XXI. And be it enacted, That every such Highway, Street, Sewer, or Drain shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, and according to such Plan as shall be agreed upon between such Persons or their Officer and the Corporation, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices of the Peace for the County of *Dublin*; and such Justices are hereby required, on the Application of the Corporation, to determine the Plan according to which such Highway, Street, Sewer, or Drain shall be opened or broken up, provided that Eight Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Person having the Control or Management of the Highway, Street, Sewer, or Drain proposed to be broken up: Provided always, that if the Person having such Control or Management as aforesaid shall neglect or refuse to superintend the opening of any such Highway, Street, Sewer, or Drain, after having had Notice of the Intention of the Corporation as aforesaid, or shall not propose any Plan for breaking up or opening the same, the Corporation may perform the Work specified in such Notice without the Superintendence of such Person.

Streets or
Drains to be
broken up
under Super-
intendence.

XXII. And be it enacted, That before any Highway, Street, Sewer, or Drain shall be opened or broken up by the Corporation they shall give to the Persons under whose Control or Management such Highway, Street, Sewer, or Drain may be Notice in Writing of their Intention to open or break up the same Eight Days before the Commencement of such Operation, Cases of accidental Fire or the bursting of any Pipes always excepted.

Notice to be
served before
breaking up
Streets or
opening
Drains.

XXIII. And be it enacted, That when the Pavement or Soil of any Highway or Street or any Sewer or Drain shall be opened or broken up by the Corporation, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground, and make good, and for Three Months then next following maintain in repair, the Pavement or Soil or the Sewer or Drain so opened or broken up, and forthwith carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light every Night during which such Pavement or Soil shall continue open or broken up.

Streets
broken up to
be reinstated
without
Delay.

XXIV. And be it enacted, That if the Corporation shall open or break up any Street, Highway, Sewer, or Drain without giving such Notice as aforesaid, or shall break up any Street, Highway, Sewer, or Drain

Penalty for
Delay in
reinstating
the Street.
in

in any other Manner than such as shall be agreed upon or determined as aforesaid, except in the Cases in which the Corporation are hereby authorized to perform such Works without any Superintendence or Notice, or if the Corporation shall make any Delay in completing any such Work, or in filling in the Ground, or making good the Pavement or Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Forty Shillings for every Day that any such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time that such Delay shall have commenced.

In case of Delay other Parties may reinstate and recover the Expences.

XXV. And be it enacted, That if any such Delay as aforesaid shall take place, or if the said Corporation shall neglect to maintain in repair the Pavement or Soil as aforesaid, it shall be lawful for the Persons having the Control or Management of the Highway, Street, Sewer, or Drain in respect of which such Delay or Neglect shall take place to cause the Matter or Thing so delayed or neglected to be done; and the Expences of doing the same, together with the Costs of recovering such Expences, shall be recovered from the Corporation in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered; and the Money so recovered shall be applied by the Persons having the Control or Management of the Highway, Street, Sewer, or Drain for the Purposes of the same.

Rates at which the Corporation are to supply Water.

XXVI. And be it enacted, That the Corporation shall, at the Request in Writing of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House within Twenty Yards of any Main or other Water Pipe of the Corporation a sufficient Supply of Water for the domestic Use of every such Occupier at a Rate *per Centum per Annum* not exceeding the Rates appointed to be taken under and by virtue of the aforesaid Act passed in the Sixth and Seventh Years of Her present Majesty, Chapter One hundred and two, for the more equal Applotment of Rates in the County of the City of *Dublin*: Provided nevertheless, that a Supply of Water for domestic Purposes shall include a Supply of Water for Waterclosets, but not for Baths, Horses, or Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Valuation to be according to the Assessment to the Poor's Rate.

XXVII. And be it enacted, That such Water Rates shall be paid by the Owner or Occupier requesting the Supply of Water, and shall be payable according to the annual Value at which the Premises shall be assessed to the Poor's Rate under the Provisions of the aforesaid Act of Her present Majesty for the more effectual Relief of the destitute Poor in *Ireland*, or, if not so rated, according to the net Value of the Premises.

Rates to be paid yearly.

XXVIII. And be it enacted, That the Rates payable to the Corporation for the Supply of Water to any Dwelling House or Part of a Dwelling House under the Provisions of this Act shall be paid
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in advance by equal yearly Payments; and the first Payment shall be made at the Time at which the Supply of Water shall be laid on the Main opposite to such Dwelling House; and the Amount of such first Payment shall be such Proportion of a yearly Payment as shall correspond with the Length of Time that shall intervene between such Day of Payment and the Commencement of the ensuing Year.

XXIX. And be it enacted, That it shall be lawful for the Corporation to supply any Person with Water for other than domestic Purposes at such Rent, and upon such Terms and Conditions, as shall be agreed upon between the Corporation and the Person desirous of having such Supply of Water.

Water for other than domestic Purposes to be supplied by Agreement.

XXX. And be it enacted, That if any Dwelling House or Premises supplied with Water by the Corporation shall be in arrear for any Water Rate or Rent due at any yearly Time of Payment, it shall be lawful for the Corporation to stop the Water from flowing into such Dwelling House or Premises by cutting off the Service Pipe to such Premises, or by such Means as the Corporation shall think fit, and to recover the Rate or Rent due from the Occupier or Owner thereof by Action of Debt in any of Her Majesty's Superior Courts of Record in *Dublin*: Provided always, that whenever the Amount of any Rate or Rent so due shall be less than Twenty Pounds, together with the Expences of cutting off the Water, and Costs of recovering the same, such Amount shall be recoverable by Action or Civil Bill before the Chairman of *Kilmainham*, and in such Action or Civil Bill it shall be a sufficient Description of the Plaintiffs to style them the Corporation of *Dublin*.

Recovery of Rates.

XXXI. And be it enacted, That the Corporation shall and they are hereby required to fix proper Fire-plugs into the Main and other Pipes belonging to the Corporation which are already laid or which may be hereafter laid by them within the Limits of this Act, at such convenient Distances from each other, and at such Places, as may be considered most proper and necessary for the Supply of Water in extinguishing Fire; and in case any Difference of Opinion shall arise as to the proper Position or Number of such Fire-plugs, such Dispute shall be settled in such Manner as the Commissioners of Public Works in *Ireland* shall, by Order of the Lord Lieutenant of *Ireland*, appoint and determine.

Corporation to affix Fire-plugs.

XXXII. And be it enacted, That the Corporation shall from Time to Time repair, renew, and keep in proper Order every such Fire-plug, and as soon as any such Fire-plug shall have been completed the said Corporation shall deposit a Key thereof at each Place within the Limits of this Act where any public Fire Engine shall be kept for extinguishing Fire, and in any other Places directed by the Commissioners of Police, and affix a public Notification in some conspicuous Place by the Side of each Street, Highway, or Place in which such Pipe shall be situate, to denote the Situation and Distance of such Fire-plug, and which Notification the Corporation are hereby authorized to put upon any House or Building, or the Side of such Street, Highway, or Place.

Keys of the Fire-plugs to be deposited at Engine Houses.

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XXXIII. And

Corporation
to provide a
constant
Supply of
Water.

XXXIII. And be it enacted, That the Corporation shall provide a constant Supply of pure and wholesome Water sufficient for the domestic Use of all the Inhabitants of every Parish or Part of a Parish who may be entitled to demand a Supply under the Provisions of this Act, and who shall or may be willing to contract for the Purchase thereof upon the Terms of the said recited Act for the more equal Applotment of Rates; and the Corporation shall cause Pipes to be laid down and Water to be conducted to every Part of any Streets comprised within the Limits of this Act in which a sufficient Number of the Owners or Occupiers of the Houses therein agree to take such a Supply of Water for Three Years at least: Provided always, that the annual Payment for the same at the Rates aforesaid shall be equal to One Tenth Part of the Expence of providing and laying down such Pipes.

Penalty for
neglecting to
provide such
Supply.

XXXIV. And be it enacted, That if for Twelve Months after Demand in Writing made to the Town Clerk or Surveyor of the Pipe Water Committee of the Corporation, together with a List in Writing of the Owners and Occupiers of the Houses agreeing to take such Supply of Water as aforesaid, and Tender made to such Clerk or Surveyor of the Amount of the Sum payable in advance for such Supply, the Corporation shall refuse or neglect to lay down Pipes in manner herein-before directed, and to provide such constant Supply of Water, the Corporation shall forfeit to the Owner making such Demand Treble the Amount of the Rate so tendered, and shall also forfeit the further Sum of Twenty Shillings for every Day during which they shall neglect or refuse to lay down such Pipes, or to furnish such Supply of Water; but no Penalty shall be payable by the Corporation if the Want of such Supply shall arise from Frost or dry Weather, or other unavoidable Cause or Accident.

Corporation
to lay down
Service Pipes
on Request of
Occupier,
and charge
Rent for the
same.

XXXV. And whereas the Houses of the Poor are in many Cases not supplied with Water on account of the Inability of the Owners or Occupiers to lay down the Service Pipes and other Apparatus; be it enacted, That it shall be lawful for the Corporation and they are hereby required, upon the Request of the Occupier of any House, Building, or Premises in any Street or Place where Main Pipes shall have been laid down by the Corporation, with the Consent in Writing of the Owner or reputed Owner thereof, or his Agent or Receiver, and upon Payment or Tender of the Proportion of Water Rate in respect thereof hereby made payable in advance, to lay down Service Pipes and other proper or necessary Apparatus for the Supply of such House, Building, or Premises with Water for domestic or other Purposes, and to keep the same in repair, and to charge for the same such reasonable annual Rent or Remuneration in Money as shall be agreed upon, or in case of Dispute as shall be settled by the Commissioners of Public Works; and such Rent or Remuneration shall be recoverable from the Occupier, or in his Default from the Owner, or his Agent or Receiver, of such House, Building, or Premises, at the same Terms and in the same Manner as Rents due to the Corporation in respect of such Supply of Water; and such Pipes or other Apparatus shall not be subject to Distress for Rent, nor to be taken in Execution on any Judgment of a Court of Law, or under any

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Fiat in Bankruptcy against such Occupier or Owner, any Law or Practice to the contrary notwithstanding: Provided always, that the Corporation shall not be liable to make good any Loss or Damage which may arise by Leakage of Water or otherwise from any Pipe or Apparatus so laid down by them.

XXXVI. And be it enacted, That if the Corporation shall neglect or refuse to lay down such Service Pipes or other Apparatus, upon such Request and Consent, and upon Tender or Payment of Rates as aforesaid, the said Corporation shall be liable to forfeit and pay to the Person so making such Request Treble the Value of the Pipes and other Apparatus.

Penalty on Corporation for Neglect.

XXXVII. And be it enacted, That in case the Occupier of the Premises in which such Water Pipes or other Apparatus shall have been affixed by the Corporation shall refuse to receive and pay for such Supply of Water, or in case of the Nonoccupation of such Premises, the Corporation may demand and enforce Payment from the Person liable to pay the Rent a Remuneration of the Amount of the Principal Money invested by them in supplying and affixing such Pipes and other Apparatus, and may, if such Person shall, after Ten Days Notice given to him by the Corporation, neglect or refuse to pay such Principal Money, enter into and remove such Pipes and other Apparatus, and deduct the Value thereof from such Principal Money; and such Principal Money, or any Part thereof, remaining due, together with all Arrear of Rent for such Pipes and Apparatus, shall in default of Payment be recovered, together with the Costs incurred, in the same Manner as Rents for Pipe Water are directed by this Act to be recovered.

Corporation to be at liberty to remove the Pipes and recover Expenses on default of Occupier.

XXXVIII. Provided always, and be it enacted, That it shall be lawful for such Owner or reputed Owner of any Houses, Buildings, or Premises where any such Service Pipes or other Apparatus shall have been laid down by the Corporation at any Time to pay off the Amount which shall be then due to the Corporation in respect of the Costs of such Service Pipes and other Apparatus; and thereupon such Pipes and Apparatus shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Corporation.

Owner to be at liberty to purchase the Pipes.

XXXIX. And be it enacted, That it shall be lawful for the Lord Lieutenant at any Time, upon the Receipt of a Memorial or Complaint in Writing subscribed by Twenty-one Inhabitant Household-ers of any Parish or Portion of a Parish rated to the Supply of Pipe Water within the Limits of this Act, and setting forth specifically that the Supply of Pipe Water to their respective Houses is deficient in Quantity, or that the same is impure and unwholesome, to appoint Three competent Persons to inquire into such Complaint, and to examine Witnesses upon Oath respecting the specific Allegations contained therein, and to make a written Report of their Judgment thereupon, with the Evidence of all Witnesses examined before them; and if it shall appear by such Report and Evidence that such Memorial

In case of deficient or unwholesome Supply the Lord Lieutenant may direct additional Works.

Memorial or Complaint is reasonable and well founded, and that the Supply of Pipe Water is either deficient in Quantity or impure and unwholesome, then and in such Case it shall be lawful for the Lord Lieutenant, by an Order in Council, to direct that the Corporation shall, within some reasonable and stated Period, provide such additional Supply of Pipe Water, and lay down such additional Pipes, and erect such additional Works, Reservoirs, Basins, and Filters, as may be necessary to insure for the future a sufficient Supply of pure and wholesome Pipe Water to the Parishes or Portions of Parishes included under the Provisions of the Act: Provided always, that the Expence of furnishing such additional Supply, and of laying down such additional Pipes, and of erecting such additional Works, Reservoirs, Basins, and Filters, shall be in the first place estimated, and shall be set forth in detail in such Order in Council: Provided also, that the Amount of such Estimate shall in no Case exceed the Amount for the Time being of the reserved Fund aforesaid of Four thousand Pounds.

Regulating
Supply for
the Use of
the Poor
within the
Borough.

XL. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-seven the Corporation shall supply or cause to be supplied the public Fountains now erected or to be hereafter erected for the Use of the Poor in the City of *Dublin* with Water during at least Six Hours daily, of which Hours Three shall be in the Forenoon and Three in the Afternoon; and it shall be lawful for the Lord Lieutenant of *Ireland*, if he shall so think fit, upon the Receipt of a Memorial from Twenty-one Owners or Occupiers of Houses in any Parish in *Dublin* complaining of an insufficient Number of Fountains for the Use of the Poor in such Parish, then and in such Case to cause due Inquiry to be made into the Allegations of such Memorial, and, if the same shall appear to be well founded, to order and direct, by Warrant under his Hand and Seal, the Commissioners of Paving for the City of *Dublin* to erect such additional public Fountains as may be deemed sufficient for the Use of the Poor in such Parish, and that the same shall be supplied with Water by the Corporation as aforesaid; and such Warrant shall fix and appoint the Places in such Parish where such Fountain or Fountains shall be erected.

Regulating
the Supply
outside the
Boundary of
the Borough.

XLI. And be it enacted, That from and after the laying down of the Mains in any Street in any Parish or Portion of a Parish as aforesaid, it shall be lawful for the Lord Lieutenant of *Ireland*, upon the Receipt of a Memorial from Twenty-one Owners or Occupiers of Houses within such Parish or Portion of a Parish, complaining of an insufficient Number of Fountains for the Use of the Poor, then and in such Case to cause due Inquiry to be made into the Allegations of such Memorial, and, if the same shall appear to be well founded, to order and direct, by Warrant under his Hand and Seal, the Corporation for the City of *Dublin* to erect such public Fountains as may be deemed sufficient for supplying the Poor of such Parish or Portion of a Parish as aforesaid with a constant Supply of pure and wholesome Water; and such Warrant shall also fix and appoint the Places in such Parish or Parishes where such Fountains shall be erected.

XLII. And

XLII. And be it enacted, That it shall at any Time be competent to any Persons, being Owners or Occupiers of any other public Work or Manufactory situated near to any Main or other Pipe of the Corporation, to require the Corporation to place Fire-plugs, at the Expence of the Party requiring the same, opposite or near to such public Work or Manufactory, and outside of the same, in the Streets, Roads, or other Places of the Parishes or Portions of Parishes included within the Limits of this Act, and to attach the same to the Pipes most suitable for that Purpose, to be used for extinguishing Fires only, and that exclusively of and in addition to the Fire-plugs to be provided by the Corporation; and the Corporation shall, when so required, be obliged to place and attach such Fire-plugs at the Expence of the Party requiring the same.

Proprietors of Manufactories may require the Corporation to place Fire-plugs adjacent thereto.

XLIII. And be it enacted, That it shall be lawful for all Persons at all Times to take and use the Water of the Corporation in extinguishing any Fire which may happen without making Compensation for such Water.

Water to be taken to extinguish Fires.

XLIV. And be it enacted, That if any Person, not having agreed to be supplied with Water by the Corporation, shall take any Water from any Reservoir, Watercourse, Aqueduct, or Conduit belonging to the Corporation, or from any Pipe affixed or leading to any such Reservoir, Watercourse, Aqueduct, or Conduit, or from any Cistern or other like Place containing Water belonging to the Corporation, he shall forfeit for every such Offence a Sum not exceeding Ten Pounds: Provided always, that the said Penalty shall not be enforced against any poor Person drawing Water from any public Fountain or Pipe for the Use of the Poor, in case it shall appear that the Person so drawing Water shall have drawn the same for his own domestic Use, and not for the Purpose of Sale or Distribution to other Persons.

Penalty for taking Pipe Water without Agreement.

XLV. And be it enacted, That every Person who shall wilfully or carelessly break, injure, or open any Lock, Cock, Gate, Paddle, Valve, Pipe, or Clough belonging to, or shall flush or draw off the Water of the Corporation, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalty for destroying Valves, &c.

XLVI. And be it enacted, That every Person supplied with Pipe Water by the Corporation who shall supply to any other Person, or wilfully permit any other Persons to take or dispose of, any Water supplied by the Corporation from any Cistern, Pipe, or Place for Water belonging to him, or who shall use the Water for other Purposes than those contracted for, shall forfeit for every such Offence a Sum not exceeding Five Pounds: Provided always, that the Supply of Water for the Purpose of extinguishing any Fire, or in any sudden Emergency, or to any Person supplied with Water by the Corporation during any Time that the Pipe or Cock belonging to such Person may be out of repair, if such Pipe or Cock shall not have been

Penalty for allowing other Persons to use Pipe Water.

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out of repair during a longer Time than was necessary for the Repair thereof, shall not be deemed an Offence within the Meaning of this Act.

Penalties for fouling the Pipe Water.

XLVII. And be it enacted, That every Person who shall commit any of the following Offences shall for every Offence forfeit a Sum not exceeding Five Pounds ; (that is to say,)

First—Every Person who shall throw any Gravel, Stone, Rubbish, Dirt, Filth, or other noisome or offensive Thing into, or wash or cleanse any Cloth, Wool, Leather, or Skin of any Animal, or any Wearing Apparel or other Thing, in any such Reservoir, Aqueduct, or other Waterworks as aforesaid :

Second—Every Person who shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him or under his Control, to run or be conveyed into any of the Waterworks belonging to the Corporation, or into any Spring, Drain, or Watercourse communicating therewith, or shall commit or cause any Act whereby the Water of the Corporation shall be fouled or corrupted.

Daily Penalty during Escape of Gas after Notice.

XLVIII. And be it enacted, That whenever any Gas which may foul the Water shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping ; and in case such Person shall not, within Twenty-four Hours next after the Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Penalty on Gas Makers if Water contaminated.

XLIX. And be it enacted, That whenever the Water supplied by the Corporation, or any other Water within the Limits of this Act, shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Position of Gas Pipes with reference to Water Pipes.

L. And be it enacted, That every Main Pipe which shall hereafter be laid for the Conveyance of Gas within the Limits of the Act shall be laid at the greatest practicable Distance, and, if the Width of the Carriageway will admit thereof, at the Distance of Four Feet at least from the nearest Part of any Main Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above or under the Water Pipe at the
greatest

greatest practicable Distance therefrom, and shall form therewith a Right Angle, or as nearly such as may be practicable, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

LI. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be so contaminated or affected a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during the Continuance of the Contamination after Notice.

LII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twenty-four Hours Notice in Writing shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

Power to examine Gas Pipes to ascertain Cause of Contamination.

LIII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Expences to abide the Result of the Examination.

LIV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner

In what Manner Expences to be ascertained and recovered.

as

as Arrears of Pipe Water Rent are by this Act directed to be recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

LV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which he may be liable, in consequence of the making or supplying such Gas.

Provision for Damages not otherwise provided for.

LVI. And be it enacted, That in all Cases where any Penalties, Damages, or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Penalties, Damages, or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Penalties, Damages, and Charges, in case of Nonpayment thereof or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Penalties, Damages, or Charges in any of the Cases aforesaid, on demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

LVII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Two Justices, it shall be lawful for such Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Nothing herein to exempt the Corporation from the Provisions of any future general Act.

LVIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the said Lord Mayor and Town Council of the County of the Borough of *Dublin* from the Provisions, Regulations, and Conditions which may be contained in any general Act for improving the sanatory Condition of Towns and populous Districts which may be passed in this or any future Session of Parliament.

Nothing herein to affect Agreements with

LIX. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to vary or in anywise affect certain Contracts or Agreements respectively made

made on or about the Seventh Day of *February* in the Year of our Lord One thousand eight hundred and six between the Corporation of the City of *Dublin* and the Company of Undertakers of the Grand Canal, and on or about the Twenty-fourth Day of *June* One thousand eight hundred and eight between the said Corporation and the Royal Canal Company, and that the said Contracts shall remain and continue as valid and effectual and have the same Force and Operation as the same was and would have had at the Time of the passing of this Act, and as if this Act had not passed.

the Grand Canal and Royal Canal Companies.

LX. Provided always, and be it enacted, That nothing herein contained shall extend or to construed to extend to lessen, alter, or impair any Power now vested in the Commissioners for paving, cleansing, and lighting the Streets of *Dublin* under any Act or Acts now in force.

Saving Powers of Commissioners of Paving.

LXI. And be it enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities hereby given, it shall not be necessary that such Action, Suit, or Information shall be commenced or made within Six Calendar Months next after the Fact committed, any thing in the said recited Acts to the contrary notwithstanding.

Actions not limited.

LXII. Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number: Words importing the Masculine Gender only shall include Females: The Word "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure: The Word "Person" shall extend to Corporations, whether aggregate or sole: The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughway, Thoroughfare, Footway, or public Passage or Place, within the Limits of this Act: The Term "Lord Lieutenant" shall mean his Excellency the Lord Lieutenant or Chief Governor of *Ireland* for the Time being, or in his Absence the Lords Justices for the Time being: The Expression "Corporation" shall mean the Lord Mayor, Aldermen, and Burgesses of the Corporation of the Borough of the City of *Dublin*.

Interpretation of Act.

LXIII. And be it enacted, That the Fees, Costs, Charges, and Expences of preparing, obtaining, and passing this Act shall be paid by the Treasurer of the Borough of the City of *Dublin* out of the Pipe Water Rent of the said Borough.

Expences of Act.

LXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

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8° & 9° VICTORIÆ, *Cap. cxcii.*

Alteration of
Act.

LXV. And be it enacted, That this Act may be altered or amended by any Act to be passed in this present Session of Parliament.

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