

Bann Drainage Bill.

MEMORANDUM.

A.D. 1888.

The First Report of the Royal Commission on Public Works in Ireland gives the history of the drainage and navigation of the river system, consisting of Lough Neagh, with the Upper Bann, Blackwater, and other affluents, and the Lower Bann:—

The works were executed between 1847 and 1861, at a cost of 264,000*l.*, of which 109,000*l.* was a free grant from Parliament. The objects aimed at were the drainage of the main basin, and the provision of a navigable channel from Lough Neagh to the tide-way above Coleraine. Great benefits resulted from the drainage works, more especially during the first ten years after their completion. The navigation works were well constructed, but have proved a failure financially; the average annual outlay being 1,100*l.*, while the receipts are only 70*l.*

It is to be observed that there is a railway at each side of the Lower Bann.

Two public bodies at present manage these works; namely, the Lough Neagh Drainage Trustees, who have the care of the works on the lake and its tributaries, and of the weir basins on the Lower Bann: and the Lower Bann Navigation Trustees, who have charge of the rest of the river down to the tidal waters.

Since the Report of Lord Monck's Commission in 1882, proposals to abandon the navigation in the interests of the drainage have been brought before the grand juries of the counties interested, and these bodies now concur in sanctioning that course.

The Royal Commission recommend works which may be described in general terms as dredging, deepening, widening, and improving the channels of the Lower Bann; the construction of sluices at some of the weirs, and the removal of obstructions. They also recommend that the navigation should be abandoned. It is further proposed to remove portions of the weirs, and to embank part of the river. The estimate of the cost of the works is 65,000*l.*

[Bill 312.]

a

A.D. 1888. The Bill proposes to carry out these recommendations in the following manner :

It proposes that a commission shall be constituted, consisting of the four members of the Royal Commission of 1886. It shall be their duty to define the catchment area of the lake and river ; to draw up a scheme for the election of a permanent Conservancy Board ; to lay before that Conservancy Board, when constituted, the plans of the works ; an estimate, or scheme, declaring the liability which will have to be borne by the occupiers of the lands which are to be specially charged ; and by the county cess of those baronies and townlands which the Commission are of opinion ought to contribute, as being within the catchment area of the lake and river ; and generally, to put the Conservancy Board in possession of all the information requisite for enabling them to decide whether the works are to be undertaken.

The Conservancy Board is to consist of persons nominated by the Boards of Guardians of the Unions within the catchment area ; and of persons elected by the occupiers of lands which will be specially charged ; and of persons representing the towns in the district having Town Commissioners ; together with one representative of the Government, who shall be a member of the board, but without a vote.

The persons elected to represent the occupiers of lands specially charged will constitute three fourths of the Board.

The Conservancy Board may reject the scheme proposed for their adoption ; if so, power is taken to hold a second election for a new Conservancy Board. If the new board also rejects the scheme, the Act lapses.

If the Conservancy Board, representing the several interests above mentioned, are in favour of the work being proceeded with, then, but not otherwise, the Commission may commence to execute them. The Commission will be furnished with funds by means of advances made from time to time by the Government. The estimated cost of the works is 65,000*l.*, of which it is proposed to charge 8,000*l.* upon lands specially benefited ; 37,000*l.* upon the county cess of baronies and town lands within the catchment area ; and that the residue, 20,000*l.*, should be supplied as a free grant from moneys voted by Parliament. The local charge, whether payable out of the county cess or by the occupiers of lands specially charged, will be defrayed by means of an annual charge of 4*l.* 10*s.* for every 100*l.* advanced by Government, payable for a term of 40 years, commencing, as regards county cess, from the date of the advance,

and as regards the specially benefited districts, commencing when the capital money has been expended on the works. A.D. 1888.

The charge upon the special districts, for the repayment of the sum of 8,000*l.*, will be 360*l.* per annum, which will be apportioned amongst them by a final award, in proportion to the benefit received by them from the works.

The maintenance charges are to be defrayed partly by county cess and partly by the occupiers of lands specially charged, in the same proportion as the charges for construction.

The maintenance charge payable by the improved lands will be about 660*l.* per annum, making, with the charge for capital expenditure, a sum of 1,020*l.* per annum. The maintenance charge upon county cess will be about 3,383*l.*, and, with the charge for capital expenditure, about 1,665*l.* per annum, will add about a penny in the pound to the grand jury cess in the catchment area.

If during the progress of the works it is found expedient to abandon or vary any part of the scheme as shown in the plans, power may be given, by Order in Council, to the Commission to do so. But if for the purposes of such variation it would be necessary to acquire any land in addition to what the Bill authorises the Commission to take, then the Order in Council is to be a provisional order, requiring confirmation by Parliament, if objected to.

The Bill proposes, in accordance with the recommendation of the Royal Commission and the consent of the Grand Juries, that the navigation in the Lower Bann shall be abandoned, and that the Lough Neagh Drainage Trustees, and the Lower Bann Navigation Trustees, shall be dissolved; the Commission, and subsequently the Conservancy Board, will stand in their place for purposes other than the maintenance of the Navigation; and will become liable to pay off their debts, if any.

It is no part of the design to lower the summer level of Lough Neagh; on the contrary, the proposed works will tend to prevent the water in the Lough from falling as much below the summer level as happened in 1887. The Bill provides that neither the Commission nor the Conservancy Board shall open or keep open the sluices at Toome at any time when the water in the Lough is at or below the summer level.

When the works are completed, they will be handed over to the Conservancy Board for maintenance.

Bann Drainage Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Constitution of Commission.
3. Duties of Commission.
4. Constitution of the Conservancy Board.
5. Decision of Conservancy Board as to proceeding with works.
6. Works authorised for purposes of Act.
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10. A draft award to be printed and published, and a copy deposited with the clerk of the union.
11. Examination into objections.
12. Lands to become chargeable with rentcharge.
13. Payment and recovery of annuity charged on holdings.
14. Priority of rentcharge.
15. Rentcharge upon other lands of the same occupiers.
16. Incorporation of certain sections of 10 Vict. c. 32. for recovery of rentcharge.
17. Maintenance of works.
18. Power to Lord Lieutenant to enforce maintenance of works.
19. Recovery of annuity and maintenance expenses from grand jury.
20. Borrowing powers for emergency in maintenance.
21. Enrolment of award.
22. Interest from date of advance to commencement of annuity.
23. Regulations as to purchase of land.
24. Power to enter upon and purchase land, and execute works.
25. Incorporation of certain provisions of 8 & 9 Vict. c. 20.

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Clause.

26. Certain provisions of 10 & 11 Vict. c. 16. incorporated.
27. Accounts and audit.
28. Variation of works authorised by means of provisional order.
Taking of land.
29. Provisional order may vary scheme.
30. Power to authorise occupiers to construct drains.
31. Removal and rebuilding of bridges.
32. Power to make byelaws.
33. Penalty for obstructing Board.
34. Protection of persons acting under Act.
35. Removal of disqualification of justices.
36. Saving of existing liabilities to repair.
37. Dissolution of existing authorities and transfer of property,
&c. to Board.
38. Status of Conservancy Board, as in schedule.
39. Definitions.

SCHEDULE.

A

B I L L

FOR

The improvement of the Drainage of Lands and for the prevention of Inundations within the catchment area of Lough Neagh and the Lower Bann, and for other purposes relating thereto. A.D. 1888.

WHEREAS in pursuance of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, and of the Acts amending the same, certain works were executed under the direction of the Commissioners of Public Works in Ireland for the drainage of lands in the district of Lough Neagh and for the improvement of the navigation of the Lower Bann River :

And whereas the duty of maintaining the said works is entrusted partly to the Lough Neagh Drainage Trustees, constituted under the said Acts, and partly to the Lower Bann Navigation Trustees, constituted under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-two :

And whereas great benefits resulted from the said drainage works, but at the present time serious inconvenience and loss arising from floods are sustained by occupiers of lands adjoining the said river and lough, and it would be of great public and local advantage if further works were executed for the relief of those lands and for the improvement generally of the drainage of lands within the catchment area of the said river and lough :

And whereas it is expedient that a Board representing the various interests concerned should be constituted for the purpose of executing such last-mentioned works and maintaining the same when completed ; and that such Board should also be entrusted with the duty of maintaining the works heretofore executed for the drainage of lands within the said area ; and that the powers of any other existing corporation or body of persons constituted

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A.D. 1888. — under any Act of Parliament with reference to the arterial drainage of lands within the said area should be transferred to the Board :

And whereas the annual expenditure upon the Lower Bann Navigation is largely in excess of the income arising therefrom, 5 and it is expedient to provide for the abandonment of the said navigation :

And whereas the total cost of the works proposed for the purposes of this Act, as estimated, will amount to about sixty-five thousand pounds, and it is expedient to provide funds for defraying the said 10 cost, and also to make provision for defraying the expenses of maintaining such works as aforesaid :

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 15 by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Bann Drainage Act, 1888.

Constitution of Commission.

2. The following persons shall be constituted a Commission for the purposes of this Act, that is to say, Sir James Joseph Allport, Knight ; James Abernethy and John Wolfe Barry, Esquires, Civil 20 Engineers ; and Joseph Todhunter Pim, Esquire. The Commission shall be styled the Bann Commission, and shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without license in mortmain. 25

Duties of Commission.

3. The Lord Lieutenant may, if he thinks it necessary, appoint a fit and proper person to fill any vacancy occurring from time to time amongst the members of the Commission :

(1.) The Commission shall ascertain and declare what are the local limits of the catchment area of the Lough Neagh and the 30 Lower Bann.

(2.) They shall prepare a scheme charging a sum of *eight thousand pounds*, being a portion of the estimated cost of the proposed works, upon lands for the special benefit of which the proposed works are designed : and charging a sum of 35 *thirty-seven thousand pounds* upon the county cess of those baronies and townlands which are situated within the catchment area.

They shall divide the lands for whose special benefit the proposed works are designed into districts (referred to in this 40 Act as special districts) of such number and extent as they

think best, and shall charge a gross sum upon each special district, and shall also specify in their award— A.D. 1888.

- 5 (a) the lands comprised in the special districts, and the nature and extent of the works properly chargeable to them respectively. In this section and throughout this Act the term "land" includes a house;
- (b) the persons occupying or reputed to occupy those lands, and the portion of land occupied by each;
- 10 (c) the annual value of the lands before the execution of the works, and the estimated increase in their value resulting from the proposed works;
- (d) the gross amount to be charged on the said lands; and
- (e) all such other matters and things as the Commission think proper.

15 The sum to be charged upon the county cess of baronies and townlands shall be apportioned between them by the Commission, according to their respective valuations.

20 As between the counties liable to contribute and the special districts, the apportionment indicated by the scheme shall be final.

- (3.) The Commission shall prepare a scheme for the establishment and constitution of the Bann Conservancy Board.
- 25 (4.) The Commission shall prepare such further information concerning the proposed works and the charge therefor, and all other matters, as may be necessary for enabling the Conservancy Board, when constituted, to determine the expediency of undertaking the works authorised by this Act.

The Commission shall not have power to undertake any works until they have obtained the assent of the Conservancy Board.

30 They may, with the consent of the Treasury, employ an engineer and such officers and clerks as may be necessary to enable them to discharge the duties imposed upon them by this Act. *The Commissioners of Public Works in Ireland (herein-after referred to as the Commissioners of Public Works), may from time to time*

35 *advance to the Commission, out of moneys to be voted by Parliament, such sums as the Treasury may sanction.*

4. The Bann Conservancy Board, as constituted by the Commission, shall consist of members representing the occupiers of lands in the special districts, elected by such occupiers; and

40 members representing the towns having town commissioners, within the catchment area, nominated by the town commissioners of those towns; and members representing the poor law unions within

Constitution
of the Con-
servancy
Board.

A.D. 1888. the catchment area, nominated by the boards of guardians; and one member to be appointed from time to time by the Lord Lieutenant, who shall not be entitled to vote, but shall in other respects have the same position as other members of the Board.

The number to be nominated by the boards of guardians and town commissioners shall be such as the Commission think proper, and taken together they shall constitute one fourth of the Board. If the numbers of the Board are not equally divisible by four, the Commission shall take the next lower number which is so divisible, and the nominated members taken together shall constitute one fourth of such lower number. The remainder of the Board shall be constituted by the members representing the occupiers of land in the special districts, and the member appointed by the Lord Lieutenant.

The scheme of the Commission shall make provision as to the time and mode of nomination by the boards of guardians and town commissioners.

A Poor Law Union shall be deemed to be situated within the catchment area, if the greater part in value of the union is within the area.

The elected members shall be elected in the manner provided by the scheme, by the occupiers of land within the special districts; and each elector shall be entitled to vote according to the scale contained in the eighty-first section of the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, as amended by any other Act or Acts, as if the special district were a Poor Law Union.

The persons qualified to vote shall be all persons appearing in the grand jury applotment books as liable to pay grand jury cess in respect of the occupation of any rateable hereditament within any special district.

If the Commission determine that the election shall be by voting papers, the Commission may make regulations for the distribution and collection of the voting papers, and the verification and counting thereof, and for all other matters appearing to them necessary or proper for taking such vote. Secretaries of grand juries and collectors of grand jury cess shall supply such information to the Commission for enabling them to take a vote as they may require. The Royal Irish Constabulary shall give such service and assistance to the Commissioners in the distribution and collection of voting papers as the Inspector General may order.

If any person shall knowingly and fraudulently tender a vote which he is not entitled to give, or shall forge, falsify, or knowingly and fraudulently alter after signature any voting paper, or shall

knowingly tender or forward any such voting paper forged, falsified, or altered as aforesaid, or shall without lawful reason suppress, carry off, destroy, or deface any voting paper after it has been issued to a voter, he shall be guilty of an offence, and may be
 5 prosecuted in a summary manner, and shall on conviction be liable to a penalty not exceeding *twenty pounds* or to imprisonment with or without hard labour for a term not exceeding *three months*.

The decision of the Commission as to the right of any person to vote, also as to the validity of any voting paper, and as to the
 10 result of the voting, shall be final.

The vote shall not be invalid by reason of any error or omission, or thing done, in or about the taking of it, unless the Commission think it expedient to quash the vote by reason thereof, and to proceed to a fresh vote.

15 The ordinary term of office of a member of the Conservancy Board shall be six years; and the scheme shall provide that one third, or such other proportion as may be as near to one third as possible, of the members of the Conservancy Board representing the occupiers of land in the special districts; and one third, or such
 20 other proportion as may be as near to one third as possible, of the other members of the Board, shall retire at the expiration of successive periods of two years. The scheme shall make provision for determining the persons who are to retire at the end of each of the first three biennial periods after the constitution of the
 25 Conservancy Board.

This provision shall not apply to the member of the Conservancy Board nominated by the Lord Lieutenant.

The Commission may by the scheme make rules relative to the time and place and mode of election of the elected members of
 30 the Conservancy Board, and as to the returning officer, and his powers and duties, and for notices, and generally for all purposes relating to the elections of members of the Conservancy Board; and also relative to the time and place, and summoning of meetings of the Conservancy Board, and the quorum, and the appointment of
 35 chairman, and relative to committees of the Board, and the keeping of minutes, and generally for the transaction and management of the business of the Conservancy Board.

The Conservancy Board when constituted may from time to time, with the sanction of the Lord Lieutenant, repeal, amend, or add to
 40 the rules made by the scheme of the Commission.

The Conservancy Board shall be a body corporate, with perpetual succession and a common seal, and with a power to sue and be sued, and to take and hold land without license in mortmain.

A.D. 1888. They may appoint or employ an engineer, and such other officers and persons as may be necessary for the execution of the duties imposed on the Board by this Act.

Decision of Conservancy Board as to proceeding with works.

5. The Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the plans brought before them by the Commission, subject to the power of varying the same by means of a Provisional Order, as herein-after provided. If the Board resolve that the Commission shall not proceed with the proposed works, that Board shall forthwith be dissolved, and their powers under this Act shall be at an end. If that event happens, any twenty or more occupiers of land within the catchment area, valued at not less in the aggregate than one thousand pounds, may, within a period of two years, require the Commission to proceed to institute fresh elections and nominations in the manner aforesaid, and the second Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the said plans, subject to the power of varying the same by means of a Provisional Order, as herein-after provided. If such second Conservancy Board resolves that the Commission shall not proceed with the proposed works, then the Conservancy Board and the Commission shall be dissolved, and the powers of executing such works granted by this Act shall be at an end.

Works authorised for purposes of Act.

6. In order to carry into effect the purposes of this Act, the Commission may construct the embankments and works shown in the said plans, subject to the power of varying the same by means of an Order in Council, as herein-after provided; and may also within the catchment area—

- (a) deepen, widen, straighten, embank, and otherwise improve any watercourse or outfall for water, and remove any milldam, navigation weir, fish weir, eel weir, sluice, or other obstruction, to any watercourse or outfall for water, and raise, widen, and otherwise alter any wall, embankment, milldam, navigation weir, fish weir, eel weir, sluice, or any dam or defence against water; and
- (b) make any new watercourse or outfall for water, and erect any new embankment, dam, weir, sluice, or defence against water, and fill up or re-open any disused watercourse; and
- (c) provide for the abandonment of the navigation of the Lower Bann, and regulate, control, and alter the water level of the Lower Bann, and of any watercourse within the catchment area; provided, however, that it shall not be lawful for the

Commission, nor for the Conservancy Board when the works become vested in them, to open or to keep open the sluices at Toome at any time when the water in Lough Neagh is at or below the summer level ; and

- 5 (d) temporarily stop the navigation in any watercourse ; and
 (e) erect any machinery and do any acts and things necessary or proper for effecting the above-mentioned purposes or any of them.

10 Save as provided by this Act, the Commission shall not incur liability to make compensation for anything done by them in exercise of their powers under this section.

7. The cost of the works to be executed for the purposes of this Act shall be defrayed in the following manner ; (that is to say)

- 15 (1.) *A part of the cost shall be defrayed out of money provided by Parliament as a free grant, to an amount not exceeding in the whole twenty thousand pounds ;*
 (2.) The Commissioners of Public Works in Ireland may from time to time, with the consent of the Treasury, out of money at their disposal for the purpose of loans, make advances by way of loan to the Commission, and the Commission may borrow to an amount not exceeding in the whole *forty-five thousand pounds* on the securities hereafter in this Act mentioned ;

25 Of the sum of forty-five thousand pounds, *thirty-seven thousand pounds* shall be charged upon county cess, and *eight thousand pounds* upon the special districts.

Every sum from time to time appropriated for the purpose of defraying any part of the cost of the said works shall be so provided and advanced partly by way of grant and partly by way of loan, in the proportions which the above-mentioned amounts bear to one another.

35 (2.) Advances on account of the said grant and loan may be made from time to time to the Commission in such manner and on such conditions respecting the works to be executed and the mode and order of executing the same and otherwise, as the Lord Lieutenant with the sanction of the Treasury may prescribe.

8. When from time to time an advance by way of loan is made by the Commissioners of Public Works in pursuance of this Act, the repayment thereof shall be a charge upon the county cess of the baronies and townlands liable to contribute to such repayment, and upon the lands situated in the special districts, according to the proportions prescribed by this Act ; which charges respectively shall commence to be paid at the times provided by this Act.

Provision of money for works.

Charge for repayment of advances.

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From the date of each advance the county cess of the said baronies and townlands shall be charged with the payment to the Commissioners of Public Works of an annuity of *four and a half* per cent. on the proportion of the advance specified in the scheme to be charged on the county cess of those baronies and townlands 5 respectively; and the annuity shall be payable for *forty* years, and shall be paid by equal half-yearly payments on such days as may be specified in the scheme.

The annuity shall be paid by means of an addition to the county cess levied from time to time in the said baronies and 10 townlands.

Charge on holdings.

9. When directed by the Treasury, on or before the completion of the works, the Commission shall prepare a draft award, in which they shall set forth the several parcels or portions of land in the special districts drained and improved, and the original and increased 15 values thereof; and such award shall also specify the due proportion chargeable in respect of each such parcel of land, of the amount by this Act directed to be charged upon the lands in the special districts, and shall also specify any other lands held by the same occupiers, to be also held chargeable, with the amount in each 20 case repayable as herein-after provided, and shall also set forth such other matters and things as to the Commission shall seem fit and proper.

A draft award to be printed and published, and a copy deposited with the clerk of the union.

10. When such draft award as aforesaid shall have been prepared, the Commission shall cause a copy thereof to be 25 deposited with the clerk of each of the several unions wherein the lands drained and improved, or any part thereof, may be situated; and such clerks of unions are hereby authorised and required to receive the same; and the Commission shall cause notice of such lodgment to be inserted in one or more of the newspapers 30 usually circulated in the counties or districts in which such several unions are situated once in each week for three successive weeks; and the Commission shall also in such notice require all persons being occupiers or proprietors of lands charged as being improved, who may desire to object to such award, to lodge their 35 objections at such time and place as shall be therein specified, and they shall also in the said notice state that some person acting for them will proceed to hear and inquire into any objections which may be lodged at such time and place, or times and places, as shall in such notice be named. 40

Examination into objections.

11. The Commission or one of them or some fit and proper person appointed by the Commission shall attend at such time and place,

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or times and places, so appointed, and shall examine into the matter of any objections to the award which shall have been lodged, and shall hear all proper evidence relative thereto, and may adjourn such attendance from time to time, and shall
 5 make such alteration as may to them or him seem proper, and finally settle said award: Provided always, that the whole amount, together with interest at *three and a quarter* per cent. on advances made during the execution of the work, by this Act directed to be charged on the lands in the special districts, shall,
 10 notwithstanding any alteration which on the hearing of any such objections it may be deemed proper to make, be so charged.

12. The several lands mentioned in the said award shall from the date thereof become charged with the payment to Her Majesty of an annual rentcharge of *four pounds ten shillings* for every one
 15 hundred pounds charged on the said lands respectively, and so in proportion for every lesser amount, to be payable for the term of *forty years*; such rentcharge to be paid by equal half-yearly payments on the *first day of May* and *first day of November* in every year, the first of such payments to be made on the first of such
 20 days which shall happen after the date of said award.

Lands to become chargeable with rent-charge.

13. Any sum from time to time due on account of the annuity charged upon a portion of land shall be payable by the person or persons occupying the premises at the time the payment is demanded, although such person or persons did not occupy the
 25 same at the time such sum became due, provided that no proceedings shall be commenced for the recovery of any sum in arrear against any person not primarily liable to pay the same after the expiration of *two years* from the date when such sum became due.

Payment and recovery of annuity charged on holdings.

The annuity or any part thereof may at any time be re-
 30 deemed by the person for the time being liable to pay the same on such terms as may be agreed on by the Commissioners of Public Works with the consent of the Treasury.

Any annuity payable under this Act shall be paid to the Commissioners of Public Works, or to such persons and in such manner
 35 as the Treasury may from time to time appoint.

Without prejudice to other remedies, the annuity shall be recoverable by the Commissioners of Public Works in manner in which rentcharges in lieu of tithes are recoverable in Ireland, subject to this qualification, that the Civil Bill Court shall have juris-
 40 diction to hear and determine cases where the amount claimed does not exceed fifty pounds; and a certificate of the Commissioners of Public Works, purporting to be signed by one of them or by their

A.D. 1888. secretary, shall, until the contrary is proved, be evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Commissioners of Public Works from that person.

A portion of land situated within a special district, and chargeable for that reason, shall not, in consequence of its being so chargeable, be exempt from grand jury cess assessed in pursuance of this Act.

Priority of rentcharge.

14. Every such annuity charged upon lands shall take priority of all charges and incumbrances whatsoever and whensoever made, and of all rent payable out of the said lands, save and except quitrents and rentcharges in lieu of tithes, and also save all charges prior in date (if any) created under the authority or provisions of any Act of Parliament heretofore passed.

Rentcharge upon other lands of the same occupiers.

15. The annuity aforesaid, charged by virtue of this Act upon any lands improved under this Act, shall be held to be chargeable upon such other lands held by the same occupier, as may, by the award of the Commission, be made chargeable therewith.

Incorporation of certain sections of 10 Vict. c. 32. for recovery of rentcharge.

16. The thirty-ninth, fortieth, forty-ninth, fiftieth, fifty-second, and fifty-third sections of the Act tenth Victoria, chapter thirty-two, being an Act to facilitate the improvement of landed property in Ireland, as amended by any other Act, shall be deemed to be incorporated in this Act, save that every act in any of said sections directed to be done by or to the Paymaster of Civil Service shall be done by or to the Commissioners of Public Works, and shall be as effectual to all intents and purposes as any such act would have been if done by or to the Paymaster under the provisions of the said last-mentioned Act. In the said sections references to an owner of lands shall be construed as if they were references to the occupier of such lands.

Maintenance of works.

17.—(1.) On the completion of the works, or when directed by the Lord Lieutenant, the Commission shall, by order under their seal, declare that the works executed under this Act, also any other drainage works formerly belonging to any other corporation or drainage board in the catchment area, and transferred to the Commission by virtue of this Act, with all land, ways, rights, and appurtenances thereto belonging, shall be transferred to the Conservancy Board, and the same shall vest in the Conservancy Board. It shall be the duty of the Conservancy Board to maintain and keep in repair the works executed under and for the purposes of this Act, and all works executed for the like

purposes within the catchment area before the passing of this Act, and the Board may with that object from time to time cleanse, repair, enlarge, and otherwise place and maintain in a due state of efficiency any watercourse or outfall for water, or any wall, 5 embankment, or other defence against water, or do any other act for the purpose of maintaining in a due state of efficiency any work required to be so maintained for any of the said purposes.

(2.) Any amount from time to time certified by the Board to be 10 required to meet the expenses of the maintenance and repair of the said works shall, so far as they are for works executed before the passing of this Act, be charged in the same manner as if this Act had not been passed; and so far as they are for works constructed under this Act be apportioned between the county cess of the 15 baronies and townlands chargeable under this Act and the lands specially benefited, and be charged thereon respectively in the same proportions as the capital money expended upon the construction of the same works.

(3.) The maintenance charge payable out of lands specially bene- 20 fitted shall be payable to, and be collected by, the Commissioners of Public Works in the same manner as the annuity charged upon such lands; and the Commissioners shall have the same powers of recovering a sum due for maintenance charge, and their certificate in relation thereto shall have the same effect as if such sum were 25 part of the said annuity. The Commissioners shall from time to time account to the Conservancy Board for the net amount collected by the Commissioners on account of maintenance charge in such manner as the Treasury may direct.

(4.) Sums may be from time to time charged under this section, 30 either prospectively for the payment of future expenses, or retrospectively for the payment of expenses incurred at any time within *six months* before such sums respectively are certified by the Conservancy Board to be required.

18.—(1.) The Lord Lieutenant shall from time to time cause 35 inspection to be made by some engineer or other competent person of any works which the Conservancy Board are required, in pursuance of this Act, to maintain and keep in repair, and if it appears from the report of the person so appointed that any such works have not been maintained in good order and repair, so as in the opinion of 40 the Lord Lieutenant to be fit and proper for their intended purposes, or that any sudden breach or damage has occurred to any embankment or other work maintainable by the Conservancy Board, the

Power to Lord Lieutenant to enforce maintenance of works.

A.D 1888. Lord Lieutenant may cause a notice to be served on the Board calling upon them to execute such works of repair and maintenance as in the opinion of the Lord Lieutenant the circumstances of the case render necessary (the nature of which works shall be stated in the notice) within such period as is therein mentioned, and 5 informing them that in default thereof such works will be executed by the Lord Lieutenant pursuant to the provisions of this Act.

(2.) In case such works are not executed in accordance with the terms of the notice, the Lord Lieutenant, with the sanction of the Treasury, may execute all such works of repair and maintenance as 10 they may consider necessary, and for that purpose, and for the purpose of certifying and obtaining payment out of the county cess of the costs from time to time incurred by them in relation to the said works, the Lord Lieutenant shall possess all the powers exercisable under this Act by the Board. 15

Recovery of annuity and maintenance expenses from grand jury.

19.—(1.) For the purpose of recovering from the grand jury of any county any sum payable to the Commissioners of Public Works or the Board out of the county cess of that county in pursuance of this Act, the Commissioners of Public Works, or the Conservancy Board, or the Lord Lieutenant (as the case may be) may from time 20 to time send to the secretary of the grand jury of such county a certificate specifying the amount to be levied in any part of such county in respect of the said sum; and, in case the sum so specified in any such certificate is payable by instalments, such certificate shall also specify the number of instalments and the amount of 25 each instalment payable by any part of such county.

(2.) Any such certificate shall, until the contrary is proved, be conclusive evidence of all matters necessary to authorise the making of it.

(3.) A certificate of the Lord Lieutenant, purporting to be signed 30 by the Chief or Under Secretary, and a certificate of the Commissioners of Public Works or the Conservancy Board, purporting to be signed by the chairman of such Commissioners or Board respectively, or by the secretary of such Commissioners or Board respectively, shall be admissible in evidence. 35

(4.) Upon any such certificate being sent to the secretary of the grand jury, the grand jury at the next and every succeeding assizes until the sum therein specified as aforesaid has been fully paid, shall without any previous proceeding at any presentment sessions present any amount for the time being due or falling due before 40 the then next assizes on account of the said sum as specified in the said certificate; and if the grand jury make default in presenting

such amount as aforesaid the judge of assize shall order the amount to be raised, and the order shall have the force of a presentment, and the amount shall be applotted and raised and levied accordingly, as if the same had been inserted in a presentment duly made
5 at such assizes. A.D. 1888.

(5.) The secretary of the grand jury shall, within *one month* after the date of any such presentment or order as aforesaid, send notice thereof to the Commissioners of Public Works or Conservancy Board (as the case may be).

10 20. If the Local Government Board are satisfied that the cost of repairing any unusual damage to the works, or any unusual expense for maintenance, should be spread over more years than one, they may authorise the Conservancy Board to borrow for
15 the like powers of borrowing, upon the security of the rates or funds applicable under this Act for maintenance, as if they were a sanitary authority, and as if the maintenance or repairs were sanitary purposes; and the enactments of the Public Health (Ireland) Act, 1878, concerning borrowing by sanitary authorities, and
20 the making of loans by the Commissioners of Public Works shall apply to the Conservancy Board.

Borrowing powers for emergency in maintenance.

21. Every scheme and final award imposing a charge under this Act, with proper schedules, map, or plan describing the lands to which such final award relates, shall be enrolled in the Consolidated Record and Writ Office of the High Court, and when so
25 enrolled shall be binding and conclusive on all parties, and a copy thereof certified by the proper officer of the said Office shall be evidence that it was duly made, and that all the requisitions of the law in relation thereto were complied with; and the Commission
30 shall within *one month* after the scheme or final award is settled cause the same to be printed and kept for public sale at a price not exceeding *two shillings and sixpence* for each copy.

Enrolment of award.

22. The amount charged on any security in pursuance of this Act shall include interest on the sum actually advanced, at the rate of
35 *three and a quarter* per cent. per annum, from the actual date of the advance to the date of the commencement of the annuity payable in respect of that amount, and the annuity shall be of such amount as may be necessary for that purpose.

Interest from date of advance to commencement of annuity.

23. The Lands Clauses Acts shall be incorporated with this Act so far as the same may be applicable to and are not inconsistent
40 with or modified by the provisions of this Act.

Regulations as to purchase of land.

A.D. 1888.

If no agreement is come to as to the amount of any purchase money or compensation to be paid by the Commission or Conservancy Board to any person, the amount thereof shall be settled by arbitration in manner provided in sections twenty-five to thirty-seven (both inclusive) of the Lands Clauses Consolidation Act, 1845, and not otherwise.

Power to enter upon and purchase land, and execute works.

24. The Commission and the Conservancy Board may, for the purposes of this Act, from time to time purchase and acquire any lands within the catchment area, and employ such contractors, surveyors, agents, and workmen as they think fit, and by themselves and their contractors, surveyors, agents, and workmen, enter upon any land and proceed with any works upon such land which they are authorised to execute, and do all things upon and affecting any land which are necessary or proper for the execution of those works, and for the accommodation of lands adjoining those works, making compensation to all persons for any loss or injury occasioned to them by the exercise of such powers.

Except with reference to lands which they may be authorised to take by virtue of a provisional order under this Act, the Commission shall not exercise the power of taking land otherwise than by agreement. The Conservancy Board shall not have power to take lands otherwise than by agreement.

Incorporation of certain provisions of 8 & 9 Vict. c. 20.

25. For the purpose of any works authorised by this Act, the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof shall be incorporated with this Act so far as such provisions may be applicable, and are not inconsistent with any of the provisions of this Act. In the construction of this Act and the said incorporated provisions, and the incorporated provisions of the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the said works shall be deemed to be the railway, and the Commission or the Conservancy Board shall be deemed to be the company;

Provided that the amount of any purchase money or compensation payable by the Commission in pursuance of any of the said provisions shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Board in respect of any lands required by them for or injuriously affected by any works authorised by this Act. When the works become vested in the Conservancy Board, this section shall apply to the Conservancy Board and to works of maintenance as fully as it applies to the Commission and to works of construction.

26. The provisions of the Commissioners Clauses Act, 1847, with A.D. 1888.
respect to—

Certain provisions of 10 & 11 Vict. c. 16. incorporated. [26 & 27 Vict. c. 88. s. 17.]

- (1.) The contracts to be entered into and the deeds to be executed by the Commissioners; and
- 5 (2.) The liabilities of the Commissioners, and legal proceedings by or against the Commissioners; and
- (3.) The appointment and accountability of the officers of the Commissioners; and
- (4.) The giving of notices and orders,
- 10 shall be incorporated with this Act; and in the construction of this Act and the said incorporated provisions this Act shall be the “special Act,” and the Commission, and, when the works have become vested in the Conservancy Board, that Board shall be “the Commissioners.” The actual travelling expenses and an allowance
- 15 not exceeding *fifteen shillings* a day for hotel expenses of members of the Conservancy Board incurred in attending meetings after the works have become vested in them, may be defrayed by that Board out of the moneys at their disposal under this Act.

27.—(1.) The accounts of the Commission and of the Conservancy Board shall be made up in such form and to such day in every year as may be appointed by the Local Government Board for Ireland.

Accounts and audit. 34 & 35 Vict. c. 109. 35 & 36 Vict. c. 69.

(2.) The accounts shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board may appoint for the purpose; the auditor shall with respect

25 to the accounts of the Commission and Conservancy Board have the like powers and be subject to the like obligations in every respect as in the case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872; and any person aggrieved by the decision of

30 the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. An auditor shall in respect of each audit under this Act be paid by the Commission and Conservancy Board respectively such remuneration and such sum for travelling

35 expenses as the Local Government Board may determine to be reasonable.

(3.) The Commission shall prepare and publish an annual report of their proceedings in carrying this Act into effect at such time in each year as the Lord Lieutenant may appoint.

40 28. If after being authorised to proceed with the proposed works in accordance with the said plans the Commission desire to abandon any part of such proposed works, or to add to them or vary them,

Variation of works authorised by means of

A.D. 1888.

—
provisional
order.
Taking of
land.

or to take lands otherwise than by agreement, they may by petition make application to the Lord Lieutenant in Council for an Order in Council authorising them to do any of the things aforesaid.

With respect to Orders in Council authorised to be made by the Lord Lieutenant under this Act, the following provisions shall apply: 5

- (1.) The Lord Lieutenant shall not make any Order in Council under this Act unless public notice of the purport of the proposed Order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such Order relates. 10
- (2.) Before making any such Order in Council, the Lord Lieutenant and Privy Council shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which 15 public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections.
- (3.) When an Order in Council authorising the Commission to take any land otherwise than by agreement is made, it shall be published in the district to which it relates in such manner as the Lord Lieutenant and Privy Council may direct; and if any owner or occupier of land authorised to be taken otherwise than by agreement presents a petition to the Lord Lieutenant in Council within a period to be prescribed by 20 general rules against such Order, the Lord Lieutenant may submit such Order to Parliament for confirmation; and any such Order against which such petition as aforesaid is presented shall be of no force whatever unless and until it is confirmed by Parliament. If no such petition is presented within the 30 prescribed time, such Order, also any Order in Council under this section not authorising land to be taken otherwise than by agreement, shall become absolute, and shall be of the same effect as if it had been confirmed by Parliament.
- (4.) Any Act confirming any provisional order made in pursuance 35 of this Act, and any Order in Council not requiring confirmation by Parliament made in pursuance of this Act, may be repealed, altered, or amended by a subsequent Order in Council made and confirmed, if it requires confirmation, in accordance with the provisions of this section. 40
- (5.) The fourth, sixth, seventh, and eighth subsections of section two hundred and fourteen of the Public Health (Ireland) Act, 1878, concerning the procedure relative to provisional orders

41 & 42 Vict.
c. 52.

shall apply to Orders in Council under this section with the substitution of the Lord Lieutenant in Council for the Local Government Board. A.D. 1888.

5 (6.) The costs of all parties of and incident to an application for an Order in Council shall be in the discretion of the Lord Lieutenant in Council, and an order respecting costs shall be enforceable as if it were an order of the Chancery Division of the High Court.

10 The Lord Lieutenant in Council may from time to time make such general rules as may seem fit for regulating the procedure as to Orders in Council, and with respect to fees and the taxation and payment of costs for the purposes of this section.

15 29. If an Order in Council authorises any change in or abandonment of any of the works proposed in the plans originally adopted, the Order may make such amendments in the scheme of the Commission relating to the cost of such works as may be right. Provisional order may vary scheme.

20 30. The Commission, or the Conservancy Board after the works have become vested in that Board, may from time to time by order empower the occupier of any land within the catchment area to construct, or to clean or improve, any drain in, through, across, or under any land whatsoever for the purpose of connecting the field drainage of the land of such occupier with any watercourse under the control of the Commission or the Conservancy Board respectively. Such order shall be a sufficient authority to any person
25 named therein, his agents and workmen, at all reasonable times to enter upon any land, and to do any works specified in the order, and to do all things necessary for that purpose, making reasonable compensation for any damage done by him or them, and also for the privilege aforesaid. And if any difference arise as to the amount
30 to be paid for compensation, it shall be settled by the Commission or the Conservancy Board respectively, and their award shall be final. Power to authorise occupiers to construct drains.

35 31.—(1.) The Commission may, with the previous consent of the Lord Lieutenant, take down and remove or alter any bridge, the alteration or removal of which is necessary or desirable for carrying into effect the purposes of this Act, and the Commission shall (when in the opinion of the Lord Lieutenant it is necessary) construct a temporary bridge in place thereof, and support and maintain the same until the completion of the works necessary
40 for the restoration to public use of the said bridge. Removal and rebuilding of bridges.

(2.) Where an existing bridge is taken down and removed, the Commission shall construct a new bridge with the necessary roads of

A.D. 1888. approach thereto, according to such plan, specification, and estimate as may be approved by the Lord Lieutenant.

(3.) If the removal or alteration of a bridge was in the opinion of the Lord Lieutenant rendered necessary by reason of its having been originally improperly constructed, or subsequently altered, so as to be an impediment to the natural discharge of the water, having reference to the state of the river or stream in its unimproved condition, or if it was in the opinion of the Lord Lieutenant in a ruinous or insecure condition, the expense of the alteration or removal and rebuilding thereof in pursuance of this section shall be charged on the county cess of the county in which the bridge is situate, and shall be paid to the Commission, and the certificate of the Commission shall be conclusive evidence of the amount of that expense :

Provided that where any bridge so re-built or altered is over a watercourse forming a boundary between two counties, the expense, if chargeable to county cess, shall be payable by the said counties in equal moieties.

Power to
make bye-
laws.

32.—(1.) The Commission, or the Conservancy Board after the works have become vested in that Board, may respectively from time to time make alter and repeal byelaws—

- (a) for prohibiting persons from throwing, or causing or suffering to fall or pass into any watercourse in respect of which any works have been commenced or executed, or are maintained by the Commission or Board, any weeds, stones, soil, or other solid matter calculated to cause an obstruction therein, or placing or permitting to remain any milldam, navigation weir, fish weir, eel weir, or other obstruction in any such water course without the consent of the Commission or Board ; and
- (b) for prohibiting persons from injuring or permitting to be injured any embankment or other work which has been commenced or executed or is maintained by the Commission or Board ; and
- (c) for requiring marks to be affixed on sluices or other works, and for prohibiting persons from defacing, removing, or injuring marks placed by authority of the Commission or Board on any sluice or other work, and from defacing, removing or injuring any notice of the Commission or Board ; and
- (d) for regulating in conformity with marks affixed as aforesaid the opening and closing of flood gates, hatches, and sluices within the contributory area in time of flood or apprehended flood ; and

(e) for prohibiting persons from injuring or removing any pegs, poles, or other marks placed by authority of the Commission or Board for the measurement of any works authorised by this Act, or for any other purpose connected with such works. A.D. 1888.

5 (2.) Sections two hundred and nineteen to two hundred and twenty-three (both included) of the Public Health (Ireland) Act, 1878, shall apply to byelaws made by the Board under this Act, with the substitution of the Commission or Board under this Act for a sanitary authority under that Act, and of the Commissioners
10 of Public Works for the Local Government Board.

(3.) Penalties imposed by byelaws made under this section may be recovered in a summary manner.

15 **33.**—(1.) Any person who wilfully obstructs any person acting under the authority of the Commission or Board in the lawful exercise of any powers vested in the Commission or Board for the purposes of this Act, shall for each offence be liable to a fine not exceeding *ten pounds*, to be recovered in a summary manner. Penalty for obstructing Board.

20 **34.**—(1.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within *twelve* months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within *twelve* months next after the ceasing thereof. Protection of persons acting under Act.

25 (2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than
30 the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

35 **35.** A justice shall not be disqualified from acting in any case arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or payment or fund out of which any expenses of carrying this Act
40 into effect are to be defrayed. Removal of disqualification of justices.

36. Subject to the provisions of this Act, the liability of any person to defray or contribute towards the expense of making, completing, Saving of existing liabilities to repair.

A.D. 1888.

altering, repairing, or maintaining any sewer or drain or any walls or works for protecting any land against the force or encroachments of any river, or doing any other work within the catchment area, shall continue, and the same may be enforced as if this Act had not been passed.

5

Dissolution
of existing
authorities
and trans-
fer of pro-
perty, &c.
to Board.

37. The following bodies ; (that is to say,)

(a) the Lough Neagh Drainage Trustees, and

(b) the Lower Bann Navigation Trustees, and

(c) every other corporation or Drainage Board exercising powers under any Act of Parliament or Provisional Order made before the passing of this Act with reference to the arterial drainage of lands in any part of the catchment area of Lough Neagh or the Lower Bann,

10

shall be dissolved ; and all property, choses in action, powers, rights, and privileges of any such corporation or board, shall be transferred to and shall at first vest in and be exercisable by the Commission, and, when the works become vested in the Conservancy Board, shall vest in and be exercised by that Board.

15

The Commission or Conservancy Board may carry on, or commence and maintain, in their own name any action or proceeding which such dissolved corporation or board might have carried on, commenced, or maintained.

20

All moneys, stocks, and securities standing in the name of any such dissolved corporation or board in the books of any bank shall be transferred to the Commission.

25

All records and documents of such dissolved corporation or board shall be transferred to the Commission.

All contracts of hiring or employment made by such dissolved corporation or board shall be deemed to be rescinded.

All debts or liabilities of the dissolved corporation or board incurred before the passing of this Act shall be discharged by the Commission. Any such debts or liabilities incurred after the passing of this Act shall be discharged by the Commission if they were necessarily and properly incurred for any work of maintenance or for the preservation of rights or property.

30

The cost of maintenance and repair of drainage works executed by any such Corporation or Board may be defrayed by the Commission or Conservancy Board in the same manner as if they had been works executed under this Act.

35

Proprietors of land situated in a drainage district constituted under the Drainage and Improvement of Lands Act (Ireland) 1863, who were liable to pay maintenance charges to the drainage board of the district, shall continue to be liable to pay the like charges to

40

A.D. 1888.

the Commission, and, after the works have become vested in the Conservancy Board, to that Board, provided that they shall not be required to pay more than the sum actually expended for maintenance of such works, nor more than the average charge which they were liable to pay on the average of the five years preceding the passing of this Act.

The rights, powers, and duties of the Lower Bann Navigation Trustees concerning navigation in Lough Neagh shall be transferred to the Upper Bann Navigation Trustees.

10 This section shall come into operation when the Bann Conservancy Board is duly constituted and has resolved that the Commission may undertake the works authorised by or under this Act.

15 **38.** The provisions concerning the Conservancy Board contained in the schedule to this Act shall have the same effect as if they were enacted in the Act.

Status of Conservancy Board as in schedule.

39. In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them :

Definitions.

20 The expression "the Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being :

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury :

25 The expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; and the Railways Act (Ireland), 1861.

8 & 9 Vict. ;
c. 18;
23 & 24 Vict.
c. 106.
14 & 15 Vict.
c. 70.
23 & 24 Vict.
c. 97.
27 & 28 Vict.
c. 71.

30 The expression "lands" has the meaning attached thereto in the Lands Clauses Acts, and includes any estate or interest in land, and also any right of water, right of fishing, right of way, or easement :

The expression "watercourse" includes any river, stream, drain, sewer, or passage through which water flows :

35 The expression "bridge" includes culvert and archway :

The expression "person" includes a body of persons corporate or not corporate.

A.D. 1888.

SCHEDULE.

REGULATIONS FOR BOARD.

1. The following provisions shall apply to the Bann Conservancy Board :
2. Subject to the provisions of this Act concerning the first members of the Conservancy Board, a conservator shall hold office for *six* years, and on the day prescribed by the Commission shall retire, and his place shall be taken by a conservator appointed or elected in like manner as aforesaid. This provision shall not apply to the member appointed by the Lord Lieutenant, who shall hold office upon such terms as the Lord Lieutenant may direct. 5
3. Every conservator going out of office shall, if qualified, be re-eligible ; and if at any time when an election ought to take place the places of any retiring conservators are not filled up, the Lord Lieutenant may appoint any qualified persons to fill those places. 10
4. Any casual vacancy occurring in the Conservancy Board may be filled up by the Board ; but any person so chosen shall retain his office so long only as the vacating conservator would have retained the same if the vacancy had not occurred. This provision shall not apply to the member of the Board appointed by the Lord Lieutenant. 15
5. An act or proceeding of the Conservancy Board shall not be questioned on account of any vacancy or vacancies in their body. 20
6. Any person who acts as member of the Conservancy Board without being qualified shall be liable to a fine not exceeding *fifty pounds* ; and in any proceeding for the recovery of such fine the burden of proving qualification shall be upon the person against whom such proceeding is taken.
7. After the works have become vested in the Conservancy Board, the Conservancy Board may transact the business committed to them by this Act by means of one or more standing committees, consisting of such member or members of their body as they think fit ; and any committee so formed shall, in the exercise of the powers delegated conform to any regulations that may be imposed on them by the Board. 25 30
8. All acts done by any meeting of the Conservancy Board, or by any committee thereof, or by any person acting as a member thereof, shall, notwithstanding that it may be afterwards discovered that there was some defect in the constitution of the Board or committee, or in the appointment or election of the person acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed or elected, and was qualified to be a member. 35
9. The proceedings of the Board and of committees thereof shall be conducted in accordance with the rules made by the Commission.

Bann Drainage.

A

B I L L

For the improvement of the Drainage of Lands and for the prevention of Inundations within the catchment area of Lough Neagh and the Lower Bann, and for other purposes relating thereto.

*(Prepared and brought in by
Mr. Arthur Balfour and Mr. Solicitor-General
for Ireland.)*

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