



CHAP. lxxxv.

An Act for the formation and improvement of Clontarf Township, comprising the Districts of Clontarf, Dollymount, and Ballybough, in the Barony of Coolock and County of Dublin. A.D. 1869.
[12th July 1869.]

WHEREAS the districts of Clontarf, Dollymount, and Ballybough, in the barony of Coolock and county of Dublin, are large, populous, and improving districts, and the population thereof has of late years increased and is increasing, and the formation of these districts into a township would be of local and public advantage :

And whereas it is expedient that provision should be made for lighting, paving, sewerage, draining, cleansing, supplying with water, and otherwise improving and regulating the township, and for establishing and controlling markets, and for transferring from the grand jury of the county of Dublin to the commissioners to be appointed for those purposes the supervision, construction, and maintenance of roads, footways, and bridges within the township, and for conferring upon those commissioners adequate financial powers; but the purposes aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may for all purposes be cited as "The Clontarf Township Act, 1869." Short title.

2. Subject to the provisions of this Act, the several words and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings in this Act, unless there be something in the subject or Interpretation of terms.

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The word "town" or "township" shall mean the Clontarf township:

"The Clontarf township" means the lands, villages, and hereditaments comprised within the limits of this Act:

The expression "the Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being:

The expression "the grand jury" means the grand jury of the county of Dublin, and the expression "the finance committee" means the finance committee of the county of Dublin:

The expression "the Commissioners" means the Commissioners appointed by this Act and their successors:

The word "road" includes any street, footpath, square, avenue, highway, bridge (except railway or canal bridges), culvert, court, alley, thoroughfare, or public passage within the limits of this Act, but does not include a railway.

Incorporation of general Acts.

3. "The Lands Clauses Consolidation Act, 1845" (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement); "The Lands Clauses Consolidation Acts Amendment Act, 1860;" "The Baths and Washhouses Act, 1846;" "The Baths and Washhouses Act, 1847;" so much of "The Commissioners Clauses Act, 1847," as relates to mortgages to be executed by the Commissioners; "The Markets and Fairs Clauses Act, 1847;" "The Sanitary Act, 1866" (and any other Act amending or incorporated with that Act); and "The Summary Jurisdiction (Ireland) Act, 1851," are (except where the same respectively are varied by or are inconsistent with the provisions of this Act) incorporated with this Act.

Provisions of 17 & 18 Vict. c. 103. incorporated with this Act.

4. The following provisions of "The Towns Improvement (Ireland) Act, 1854," are incorporated with this Act, and, as far as such provisions respectively are not varied by any of the sections of this Act, shall be read and construed as if those provisions respectively were herein expressly re-enacted; (that is to say,)

Sections one to three (inclusive), five, sixteen, twenty-three and twenty-four, twenty-seven, twenty-eight and twenty-nine, thirty-two to fifty (inclusive), fifty-three to fifty-nine (inclusive), sixty-one, sixty-three to sixty-six (inclusive), sixty-eight, seventy, and the remaining sections of the Act:

Provided always, that where in the foregoing provisions or any of them reference is made to any other Act or Acts or to portions of any other Act or Acts, such Act or Acts or portions thereof respec-

tively shall likewise be deemed to be incorporated with this Act, in the same manner and to the same extent only as they were incorporated with such provisions respectively of "The Towns Improvement (Ireland) Act, 1854." A.D. 1869.

5. This Act shall commence and have effect on and after the first day of September one thousand eight hundred and sixty-nine. Commencement of Act.

6. The lands, villages, and hereditaments comprised within the limits of this Act shall from the commencement of this Act together form and be a separate township, by the name of "The Clontarf Township," and the provisions of this Act shall apply and be in force within the township. Establishing Clontarf township.

7. The limits of this Act and the boundaries of the township are as follows: A boundary line commencing on the south in the centre of the River Tolka at Annesly Bridge, in the townland of Ballybough and parish of Clonturk; thence passing in a north-westerly direction along the centre of the said river, which forms the southern boundary of the townland of Ballybough, to the western boundary of the said townland; thence in a northerly direction along the northern boundary of the said townland and the western boundary of the townland of Marino, in the parish of Clonturk, to the extreme northern point of the said townland of Marino; thence south-eastward along the north-eastern boundary of the said townland of Marino to the road leading from Dublin to Malahide; thence along the east side of the said road to the northern boundary of the townland of Clontarf West, in the parish of Clontarf; thence eastward along the said northern boundary, and along the western and northern boundaries of the townland of Killester South, in the parish of Killester, to the north-east angle of the said townland of Killester South; thence southward along the eastern boundary of the said townland of Killester South to the road leading from Dublin to Howth; thence along the north side of the said road to Castle Avenue; thence southward along the east side of Castle Avenue to the southern boundary of Sybill Hill, in the parish of Clontarf; thence eastward along the north side of the road leading to Vernon Avenue, as far as Vernon Avenue; thence in the same direction along the northern boundary of the townland of Green Lanes, in the parish of Clontarf, to the western boundary of the townland of Heronstown, in the parish of Clontarf; thence along the western, northern, and eastern boundaries of the said townland of Heronstown to the sea shore; and from thence westward along the sea shore to the centre of the River Tolka at Annesly Bridge, the point first described; all the said parishes of Clonturk, Clontarf, and Killester being in the barony of Coolock and county of Dublin. Limits of Act and township defined.

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Extension of township.

8. In the event of the township being hereafter extended in manner authorized by the "Towns Improvement (Ireland) Act, 1854," the district or districts which shall be added or annexed to the township upon any such extension shall form part respectively of the township, and shall from and after such extension be exempted from the payment of grand jury cess, and shall be subject in lieu thereof to all such payments and obligations, and shall be entitled to the like rights, privileges, and obligations, as if such district or districts respectively had been originally placed under the operation and had been included within the limits of this Act; and the definition in this Act contained of the boundaries of the township shall be deemed a compliance with the 4th section of the "Towns Improvement (Ireland) Act, 1854."

Boundary roads included within the limits.

9. For the purposes of this Act the whole of the roads forming the boundaries of the township shall be deemed to be within the township.

Township to be a market town.

10. For the purposes of this Act, the township shall be a market town within the meaning of the "14 and 15 Victoria, c. 92, sec. 15."

Commissioners incorporated.

11. The Commissioners named in this Act and their successors from time to time elected under the provisions of this Act shall be one body corporate by the name of "The Clontarf Township Commissioners," and by that name shall have perpetual succession and a common seal, and power to purchase, take, hold, and dispose of lands, goods, chattels, and other property for the purposes but subject to the restrictions of this Act.

Number of commissioners.

12. The number of the Commissioners shall be twelve.

First Commissioners.

13. The first Commissioners under this Act shall be John Edward Venables Vernon, Sir Arthur Edward Guinness, Baronet, John Calvert Stronge, George Austin, Graham Lemon, Francis Byrne, William J. Henry, Allan H. Taylor, John F. Biggs, Archibald Tisdall, James Kerr, and George Tickell; and the said John Edward Venables Vernon shall continue to be and shall be a Commissioner under this Act for and during the term of his life; and the said Commissioners (with the exception of the said John Edward Venables Vernon) shall continue in office (save in the event of death, resignation, or incapacity) for three years only, when the first election of Commissioners to be held under this Act shall take place; and the said John Edward Venables Vernon shall, so long as he shall continue to act as a Commissioner, be the chairman of said Commissioners, and the said John Edward Venables Vernon, as such first chairman, shall preside at the first election of Commissioners to be held under this Act, and his successors respectively in the

office of chairman shall from time to time preside at future annual elections of Commissioners. A.D. 1869.

14. The Commissioners shall hold their first meeting at some convenient place within the township, at twelve o'clock on the day of the commencement of this Act, and shall put this Act into execution within this township. First meeting of Commissioners.

15. The quorum of a meeting of Commissioners shall be five. Quorum.

16. The fifteenth day of October one thousand eight hundred and seventy-two shall be the day upon which one third of the first Commissioners named in this Act shall retire from office and others or the same Commissioners be elected to fill the places so vacated, and every succeeding fifteenth day of October (except when that day falls upon a Sunday, and then the day after such fifteenth day of October,) shall be the day for the yearly retirement and election of Commissioners in manner directed by this Act or the Acts incorporated herewith. Retirement and election of Commissioners.

17. The first annual meeting of the Commissioners after such retirement and election as aforesaid shall be held on the Monday next ensuing after the fifteenth day of October one thousand eight hundred and seventy-two, and thenceforward in each succeeding year the annual meeting of the Commissioners shall be held on the Monday next ensuing after the fifteenth of October in every such year. Other meetings of the Commissioners shall be held from time to time in manner directed by the provisions of this Act or the Acts incorporated herewith. Annual meetings of Commissioners.

18. Any male person of full age shall be qualified to be elected a Commissioner under this Act, Qualification of Commissioners.

(1.) Who resides within the township and is the immediate lessor or occupier of lands, tenements, and hereditaments within the township rated to the relief of the poor at not less than twenty-five pounds; or,

(2.) Who resides within five miles of the boundary of the township, and is seised, possessed, or in the enjoyment of lands, tenements, and hereditaments within the township rated to the relief of the poor at not less than fifty pounds: Provided that any person so qualifying as a resident or a non-resident at the date of such election shall have an estate in the lands, tenements, and hereditaments out of which such person shall qualify of which there shall be five years at least unexpired.

19. A person shall not be disqualified or incapable of acting as a justice in the execution of this Act by reason of his being a Commissioner or liable to assessment under this Act. Commissioner not disqualified to act as a justice.

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Delivery
beforehand
of names of
candidates.

20. No person shall be eligible for election as a Commissioner unless fourteen clear days at least before the day of election in any year he has been proposed by one elector and seconded by another elector duly qualified by writing under their hands delivered at the office of the Commissioners (proof whereof shall lie upon the persons so proposing and seconding a candidate), and such notice shall in every case state the name, qualification, and place of abode of the candidate intended to be proposed for election as a Commissioner.

Qualification
of electors.

21. Such persons as are next herein-after mentioned shall be admitted and entitled to vote in the election of Commissioners under this Act, and no other person whatsoever; (that is to say,)

(1.) Every male person of full age who is the immediate lessor of lands, tenements, and hereditaments within the township of the yearly value of fifty pounds or upwards according to the last poor law valuation, and whose name has appeared on the poor law rate book as such immediate lessor for three months at least before the day fixed for the election of Commissioners :

(2.) Every male person of full age rated to the relief of the poor within the township for any lands, tenements, and hereditaments of the yearly value of eight pounds or upwards who on or before the fifteenth day of July next before the day fixed for the election of Commissioners has occupied the lands, tenements, or hereditaments in respect whereof he claims to vote for not less than three months before such fifteenth day of July, and continues in the occupation of the same: Provided that no person shall be qualified to vote under this enactment in the election of Commissioners for the township unless he before voting has paid all rates for the relief of the poor and under this Act payable by him within the township, except those rates which are assessed within three months next before the day of the election at which he so claims to vote.

Proof of pay-
ment of rate
and qualifi-
cation.

22. Of the payment or nonpayment of any rate by any person claiming to be and to vote as an elector at any election of Commissioners a receipt, certificate, or certified list under the hand of the collector of poor rate and of the collector of rates for the township shall for the purposes of this Act be deemed conclusive evidence; and a certificate or certified list shall accordingly be furnished by such collectors of rates respectively to the chairman (or other person presiding in his absence) at every election of Commissioners; and if any controversy shall arise as to the qualifica-

tion or right to vote of any person claiming to vote or to be qualified, such controversy shall be determined by the chairman (or other person presiding in his absence) upon reference to the rate book, which the clerk of the union is hereby required to produce at every such election. A.D. 1869.

23. The Commissioners may at any meeting to be held in accordance with the provisions of this Act and of the Acts incorporated herewith make any order for doing or performing any work, business, or other matter required or authorized to be done under the provisions of this Act or of the Acts incorporated herewith. Powers of the Commissioners.

24. The Commissioners may appoint a clerk, surveyor, or collector of rates and subordinate officers to superintend, manage, and conduct the business of the township, and may dismiss any of such officers and appoint others in their stead, or may discontinue any of such officers, and may pay them such salaries or fees as the Commissioners from time to time deem fit out of the rates to be levied under this Act. Appointment of officers.

25. The Commissioners may erect and maintain a town hall, and for that purpose may by agreement purchase such buildings or lands within the township as they think fit; provided that the cost thereof shall not exceed in the whole one thousand pounds, and that a resolution authorizing such purchase, or the construction of such town hall, shall be first adopted at a meeting specially called, at which at least seven Commissioners attend and agree to such resolution, and that such resolution be confirmed at a subsequent meeting at which a like number of Commissioners attend, to be held one month after such special meeting as aforesaid. Power to erect a town hall.

26. From and after the commencement of this Act, and except as is by this Act otherwise expressly provided, the grand jury shall not have any jurisdiction, power, or authority with respect to the making, maintaining, or closing up of any road or footpath within the township, but all roads and footpaths within the township shall be made and maintained and opened and closed up by the Commissioners at the cost of the township: Provided always, that it shall be lawful for the grand jury of the county of Dublin, or for the finance committee of the said county, upon a statement by the county surveyor that any portion of the roads within the township are not in good and sufficient repair, to call upon the Commissioners to repair the same, and in the event of the failure of the Commissioners so to do within a reasonable time the grand jury or the finance committee may direct the county surveyor to inspect the same, and, if the grand jury or the finance committee be satisfied upon his report that the said complaint is well grounded, to repair such portions of the said roads, and the Roads, &c. transferred from jurisdiction of grand jury to the Commissioners.

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Commissioners to have same power as grand jury for making roads, &c.

27. From and after the commencement of this Act the Commissioners shall have similar jurisdiction, power, and authority with respect to roads, footpaths, and other public works within the township to the jurisdiction, power, and authority which before the passing of this Act were vested in the grand jury by the Acts of the session of the 6th and 7th years of the reign of His late Majesty King William the IV., cap. 116, and of the session of the 7th and 8th years of the reign of Her present Majesty, cap. 106, or otherwise howsoever.

Mode of ascertaining value and levying rates.

28. For the purposes of the rates to be levied by the Commissioners under this Act, the rateable value of the township shall be ascertained in a manner similar to that in which the rateable value of the property comprised within the limits of the township has hitherto been ascertained for the purposes of the rates levied by the grand jury, and the rates to be levied by the Commissioners under this Act within the township shall be levied upon and in respect of all property within the township the value of which has been ascertained in manner aforesaid.

Subsisting contracts for public works to be vested in Commissioners.

29. Notwithstanding the passing of this Act, all contracts made and entered into between any person and the grand jury, or with any other person on behalf of the grand jury, for public works wholly within the township, and subsisting at the time of the commencement of this Act, shall be and continue in full force, and the Commissioners as representing the grand jury, and all such persons respectively, shall be bound by and be liable to execute and perform and be entitled to enforce the same according to the terms and conditions of the respective contracts, and the grand jury are by this Act freed from all liability in respect thereof; and all the powers and authorities at the time of the commencement of this Act vested in the grand jury and their officers for the due supervision and execution of the works according to the respective contracts are by this Act transferred to and vested in the Commissioners.

Grand jury not to present for repairs of roads, &c.

30. From and after the commencement of this Act the grand jury shall not make any presentment with respect to any road, bridge, footpath, or other work within the township, and the township shall not be chargeable with the costs of making or maintaining any road, bridge, or footpath not within the township; but nothing

in this Act contained shall hinder or prevent the grand jury from presenting, raising, and levying the expenses of any road, bridge, footpath, or other work chargeable on the county at large. A.D. 1869.

31. All warrants issued by the finance committee before the commencement of this Act for the collection of public monies from the township shall remain in full force and effect until the several collections thereunder be fully completed. Warrants in force at commencement of Act to continue.

32. From and after the commencement of this Act the whole or any part of the salary of any county surveyor appointed by the grand jury shall no longer be presented by them to be raised or levied on the township, but such salary shall be borne and paid by such part of the county at large (exclusive of the township) as is from time to time liable thereto, and shall be apportioned and levied thereon accordingly. Salary of county surveyor not to be levied off township.

33. The finance committee, in estimating and apportioning the amount in future to be levied on the township, shall exclude all charges presented by the grand jury from which the township is by this Act exempted, and shall make out a separate warrant or separate warrants for the sum properly assessable upon the township, after allowing the exemptions, and within ten days after the making thereof shall deliver at the office of the Commissioners a copy of such warrant or warrants, and the amount set forth in such warrant or warrants shall be the first charge on the Clontarf township rate under this Act, and the Commissioners shall pay the same in two equal payments, one within two months after the delivery of the copy of the warrant or warrants, and the other within eight months after the delivery thereof. Payment of grand jury cess chargeable on the township.

34. In case payment be not made by the Commissioners in manner aforesaid to the finance committee within the prescribed period, the committee may transmit a copy of the warrant remaining unsatisfied to the collector of the barony, adding thereto a sum not exceeding two shillings in the pound upon the amount set forth in such warrant for the expenses of applotting and collecting the amount therein expressed to be due and unpaid, and the collector shall thereupon proceed to have the same applotted upon the ratepayers and owners of property within the township, and shall have like powers of applotting, levying, and recovering the same as are given by the Acts of the 6th and 7th William IV., cap. 116, and the 7th and 8th Victoria, cap. 106, or any other Acts applicable in that behalf, as fully and effectually as if this Act had not been passed. Manner of enforcing payment.

35. The Commissioners may erect and maintain a market house and market place for the sale of such marketable commodities as Power to erect a

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Provisions for markets.

36. The Commissioners may from time to time establish, maintain, and regulate within the township such markets as they may think fit.

General market tolls, schedule A.

37. The Commissioner may from time to time demand and take from every person being the occupier of any shop, stall, stand, bench, or place in any such market house or market place, tolls not exceeding the general market tolls in schedule A. to this Act.

Wholesale market tolls, schedule B.

38. The Commissioners may from time to time demand and take from any person bringing marketable commodities into any market place established by the Commissioners under the provisions of this Act, tolls not exceeding the wholesale market tolls in schedule B. to this Act.

Tolls for weighing or measuring, schedule C.

39. The Commissioners may from time to time demand and take in respect of any weighing house or weighing place erected or maintained by them for weighing or measuring goods or articles sold by weight or measure, tolls not exceeding the weighing and measuring tolls specified in schedule C. to this Act, and such tolls shall be paid in each case before the market note in respect of any goods or articles so weighed or measured is delivered.

Tolls for weighing carts, schedule D.

40. The Commissioners may from time to time demand and take in respect of the weighing of waggons and carts, tolls not exceeding the tolls specified in schedule D. to this Act, and such tolls shall be paid in each case before the market note in respect of the weighing of such waggons or carts is delivered.

Slaughter-houses, &c. (Schedule E.)

41. The Commissioners may from time to time provide slaughter-houses within the township, and may demand and take for and in respect of the use thereof tolls not exceeding the tolls specified in schedule E. to this Act.

Baths and wash-houses.

42. The Commissioners may by agreement purchase lands and erect buildings, or may purchase or lease buildings, and fit up and maintain the same in a manner suitable for baths and wash-houses, and may make reasonable charges for the use of the same.

43. Whereas by "The Dublin Corporation Waterworks Act, 1861," the lord mayor, aldermen, and burgesses of the borough of Dublin (in this Act called the corporation) are authorized to bring water from the River Vartry for the supply of the inhabitants of Dublin, and of certain extra-municipal districts therein named, and to lay down mains for that purpose: And whereas the corporation has already laid down service mains within the said township, and now supplies water by agreement to certain inhabitants of the township from such mains: It shall be lawful for the said corporation to continue to supply water from such mains by agreement, and to continue to receive payment for such supply, until the service of the notice next herein-after mentioned, and the giving of the supply in pursuance thereof; and that when and so soon as the corporation shall commence to supply the township with water after service of said notice, the said Commissioners shall, in addition to the rate of fourpence in the pound, pay to the said corporation the actual sum or sums expended by them in providing and laying down such service mains so within the township. The Commissioners may give notice to the corporation requiring them to supply water for all public and domestic purposes to the Commissioners, to be distributed by the Commissioners in the township, and thereupon the corporation shall, within six months after the service of the notice, cease to supply water to inhabitants within said township by agreement, and shall supply and thenceforth continue to supply a quantity of water equivalent to twenty gallons per head per day for the population from time to time of the township; and the Commissioners shall pay and thenceforth continue to pay to the corporation for such supply, out of the rates levied or to be levied under this Act, a yearly rent equivalent in amount to the sum which would be produced by fourpence in the pound on the Government valuation from time to time made of the rateable property in the township, as rated under the provisions of this Act; the water to be delivered by the corporation to the Commissioners at high pressure at a point within the limits of the township as fixed by this Act, and adjoining the municipal boundary, through a pipe or pipes connected with their mains at such point as may be mutually agreed on by the corporation and the Commissioners, such point to be so situate as to be capable of delivering the water of the corporation under the same pressure that may from time to time be used for the supply of water to the city of Dublin, the said pipe or pipes to be laid and maintained in good order by the corporation at their expense; the Commissioners to supply at the point of delivery within the limits of the township, or at any other point or points from time to time to be mutually agreed on, at their own expense,

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a valve or valves or meter or meters to be approved of by the engineer of the corporation from time to time: Provided that the Commissioners shall not be at liberty to use or permit to be made use of any of the water so to be supplied by the corporation to the township for manufacturing purposes, or for the supply of ships or other vessels; and the Commissioners shall at all times permit and suffer the corporation to convey and send through all the mains of the Commissioners any water which the corporation may be required to supply for such purposes, or for the supply of any adjoining district or township: Provided also, that nothing in this Act contained shall give to the corporation any right to give such supply or require such payment until such notice shall have been served by the Commissioners: Provided also, that the Commissioners shall not themselves provide or procure, or contract with any other person or persons or company or body corporate for, any supply of water to the township unless or until the corporation makes default in supplying, according to the provisions aforesaid, to the Commissioners, such water, and in such quantity and manner, as in this section is in that behalf mentioned.

Power to Commissioners to supply water.

44. Except as aforesaid, the Commissioners may supply the township with water for all such public and private purposes as they from time to time think fit, the public purposes including the watering of streets and supplying of water to public baths and wash-houses, and may contract for such supply with the corporation as by this Act provided.

Payment of water rent to corporation.

45. The rent for the water supply shall be paid by the Commissioners to the collector general of rates for the city of Dublin for the time being, (who is hereby authorized and empowered to collect the same, if called on to do so by the corporation,) and may be collected by him from the Commissioners at the same time and in the manner and by the same means (in addition to any other legal remedies) as the "contract water rate" under the provisions of "The Dublin Corporation Waterworks Act, 1861," and the rent may be included either originally or by addition and alteration in the account or rental from time to time of the "contract water rate;" and the Commissioners may and shall from time to time levy and assess on the township such rate or rates as shall be required for the payment of the rent.

As to supply of water by corporation beyond and through Clontarf.

46. And whereas it is expedient that power should be reserved to the Corporation of Dublin to convey and send through the mains of the Commissioners such water as may be required for the supply of any district or township adjoining to or outside of the township of Clontarf, and the Commissioners have agreed to permit the said

corporation so to convey and send such water upon the condition herein-after mentioned: Be it therefore enacted as follows: A.D. 1869.

- (1.) The said corporation shall have power to convey and send water through the mains of the Commissioners to any adjoining or outlying district or township to which the powers of the corporation extend, upon giving to the Commissioners thirty-one days notice of their intention so to do:
- (2.) If the said corporation consider that the main or pipes or any of them which the Commissioners intend laying are not sufficiently large for the conveying of and sending of such water as may be so required, the said corporation may require the Commissioners to increase their main pipe or pipes to a size sufficient for such purposes, but at the cost and charge of the said corporation, the said corporation paying the difference between the cost of supplying and laying smaller and larger pipes:
- (3.) If after the Commissioners have laid main pipe or pipes for the supply of their own district, the corporation require that such pipes should be removed and larger ones laid, the corporation may require the Commissioners to substitute for the said laid pipes or any of them larger ones, and such change shall be made at the proper costs and charges of the said corporation, and said substituted pipe or pipes when laid shall become and be the property of the Commissioners, and be under their control, save that the said corporation shall have a right by means of a proper valve or valves or other appliances to draw water therefrom at such a point at or near the boundary of the said township as they may select:
- (4.) If the corporation take water through the mains or pipes of the Commissioners for an adjacent district, the same shall be metered at or near the place of drawing off the same, and the amount so drawn off shall be deducted in full from the total amount metered into the pipes of the Commissioners by or from the mains of the corporation:
- (5.) The corporation may cease to use any of the pipes of the Commissioners for the transmission of water to any other township or district as aforesaid, on giving to the Commissioners thirty-one days notice of their intention so to do:
- (6.) If any pipe or pipes in the direct main or line of pipes from the point of supply to the township and the point at which water shall be drawn by the corporation for the use of another district or township give way or burst, the cor-

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poration shall pay to the Commissioners one moiety of the cost of and attending the providing and laying down a new pipe or pipes to replace the pipe or pipes which may have given way or burst in the said direct line of transmission :

- (7.) If it shall be found necessary to interfere with the mains of the Commissioners for the purpose of a supply of water by the corporation to any district beyond Clontarf, the corporation shall not only pay as aforesaid the cost of the increase mains and pipes required for the purpose, but shall also repay to the Commissioners all expenses incurred by them with respect to the opening and reinstating of roads in the district :
- (8.) If by reason of such interference the supply of water to the township is interrupted, the annual payment to be made to the corporation by the Commissioners in respect of the water rate shall be diminished in the proportion which the time during which the supply is interrupted bears to the whole year :
- (9.) If any question arises between the corporation and the Commissioners touching the adequacy of the mains of the Commissioners or of the mains or pipes proposed to be put in by the corporation for the supply of water by the corporation, or touching the size or position of any new or substituted main, or concerning any other matter arising out of the power of the corporation to transmit water into an adjoining district, every such difference shall from time to time be referred to an arbitrator to be chosen by the corporation and Commissioners, or if they cannot agree on an arbitrator then by an arbitrator who shall be appointed from time to time by the Commissioners of Public Works in Ireland, on the application of either party ; and the award of the arbitrator shall be binding on the corporation and the Commissioners, and the Commissioners of Public Works in Ireland are hereby empowered to make such appointment.

Providing for agreement between the Commissioners and corporation.

47. And whereas the corporation are in and by their said Act empowered and authorized to borrow for the purposes thereof certain sums of money not exceeding in the whole the sum of 324,000*l.* on the security of the rates (leviable within the city under the said Act), and also to borrow for the purposes of making and extending their distributory and other works and pipes for the supply of the extra-municipal districts or any part thereof, on the security of the income arising or to arise from the supply of water in the said extra-municipal districts, any sum or sums of money

not exceeding in the whole 75,000*l.* : And whereas by section 69 of the said Act all the clauses of the "Commissioners Clauses Act, 1847," with respect to mortgages, are, with the exception of section 84, incorporated with and form part of said Act, and by the 70th section of said Act powers are given of re-borrowing from time to time any sum or sums of money so levied and which the corporation may have paid off: And whereas for the better securing of lenders by the 71st section of the said Act power is also given to all parties who may have lent money to the corporation for any or either of the above-mentioned purposes, and who hold mortgages for the same to the extent of one fortieth of the whole sum so borrowed and so secured by mortgage, to enforce payment of any interest due and for six months in arrear by the appointment of a receiver, and the Court of Queen's Bench in Ireland is by the said Act authorized and directed, upon the application of such receiver, to order and direct a writ of mandamus to issue to compel the corporation from time to time to levy off the rateable property of the city of Dublin such additional rate or rates of such amount as shall from time to time be sufficient to make good any deficiency in the funds applicable to the payment of such interest, and the costs and expenses attending the recovery of the same: And whereas the Corporation of Dublin is empowered by the said Act to open the road in the district proposed to be formed into a township by this Bill as part of the "extra-municipal district" referred to in the said recited Act, and to lay down and maintain mains and pipes for the distribution of water within the same, but has agreed with the promoters of the Bill not further directly to exercise their powers in that respect in the event of this Bill becoming law: And whereas it may be expedient that the necessary works, mains, and pipes for the supply of water within the said township should be laid and executed by the said corporation; and the corporation are willing, if so required by the said Commissioners, to execute such works, and provide and lay the necessary mains, pipes, and other appliances within the said township for the supply of the said township with water, on such terms as may be mutually agreed upon by and between the said Commissioners and the said corporation: Be it therefore enacted as follows:

If at a meeting of the said Commissioners specially called for that purpose, and at which at least seven Commissioners shall be present, and a request to execute the said works shall be made to the said corporation in writing under the common seal of the said Commissioners, whereby the said Commissioners shall agree to pay to the said corporation or give security for the payment to the said corporation of the contract price of the said distributory works, service mains, pipes, and other appli-

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ances for the supply and distribution of the said water within the said township, it shall be lawful for the Corporation, on receiving such request under seal as aforesaid, to enter into a contract, on such terms as may be agreed upon by and between the corporation and the Commissioners, to make and execute such works or provide and lay such service mains, pipes, and other appliances as may be agreed upon, and to expend on said works such portion not exceeding three thousand pounds of the said sum of seventy-five thousand pounds herein-before named as raised or to be raised on the security herein-before mentioned as the contract price made between the Commissioners and the corporation shall amount to, and no more.

Byelaws.

48. The Commissioners may from time to time when and as they think fit, and subject to the provisions in this and the incorporated Acts contained, make and enforce byelaws for all or any of the following purposes; (that is to say,)

For regulating the proceedings of the Commissioners :

For regulating the duties and conduct of the officers and servants of the Commissioners :

For regulating the time and place of holding markets and the use of the market houses, weighing houses, slaughter-houses, and other buildings, works, and conveniences by this Act authorized :

For regulating the use and for preventing the waste of water within the township :

For regulating the cost and the mode of payment and collection of the several rates, rents, tolls, and stallages, and other payments arising to the Commissioners under the provisions of this Act :

And generally for carrying into execution the purposes and provisions of this Act and the Acts incorporated herewith.

Regulation
as to width
of streets.

49. It shall not be lawful to build in any street formed after the passing of this Act within the township any house or row of houses unless such house or row of houses be at least twenty feet from the centre of the road or within ten feet from the side thereof, save with the consent of the Commissioners; and the centre of the road for the purposes of this Act shall be deemed to be the centre of the part thereof made with gravel or small stone.

Regulating
conveyance
of heavy
merchandise.

50. Every person having charge or care of any waggon, cart, spring cart, dray, or other carriage used for the conveyance of heavy merchandise, such as coals, corn, or timber, who rides on the shaft of such conveyance, or sits on the top of his loading, or drives his horse or other animal when laden at a more rapid pace than a walk, or who, with or without loading, drives furiously when passing through the township, shall be subject to a fine not exceeding twenty

shillings, or to imprisonment for a period not exceeding fourteen days, with or without hard labour, at the discretion of the justice or justices before whom he may be convicted. A.D. 1869.

51. The rates to be levied in the township under this Act shall be levied in each case by two equal half-yearly instalments upon the occupier, or if unoccupied upon the owner, of all property rateable within the limits of the township; and the rates so to be levied may (with such consent as is herein-after mentioned) amount to but shall not exceed for all purposes whatsoever the sum of three shillings in the pound in any one year upon such rateable property; and the Commissioners may for purposes of convenience and account, but not of increasing their revenue beyond the amount which would be produced by such total sum of three shillings in the pound, vary the rates to be levied from time to time and the amounts of such rates respectively in manner herein-after mentioned: Provided always, that for the purpose of any rate to be made under this Act all unfurnished houses which shall be unoccupied shall be assessed and liable in the proportion of one half only of the net annual value of the same. Rates to be levied in the township.

52. Once or oftener in every year, to be computed from the third Thursday after the commencement of this Act, the Commissioners may levy a rate for carrying the general purposes of this Act into effect, to be called "The Clontarf Township Rate," and the total amount thereof in any one year may be at the rate of two shillings in the pound, but shall not exceed that rate without the consent of at least two thirds of the ratepayers present at a meeting of the ratepayers of the township specially called for the purpose by at least twenty-one days public notice stating the object of the meeting, to be published in two Dublin daily newspapers; and by the vote of any such public meeting the Clontarf township rate in any one year may be increased to but shall not exceed the rate of three shillings in the pound. Clontarf township rate.

53. Once or oftener in every year the Commissioners may make a special assessment to be called "The Clontarf Water Rate," the amount to be raised in any one year by which rate shall not exceed the amount required in the year for the purposes of this Act with respect to water supply, including the laying of mains and all other works incidental to such supply; and the Clontarf water rate shall in no case exceed in one year the rate of one shilling in the pound: Provided always, that not more than one year's water rate shall be levied until water has been brought into the township. Water rate.

54. For the purposes of any rate to be made or levied under the provisions of this Act, or of any Act incorporated herewith, which Arable land, &c. to be rated at one half.

A.D. 1869. shall exceed two shillings in the pound, all lands used as arable land, meadow or pasture ground only, or as woodlands, or market gardens or nursery grounds, shall be assessed and liable in the proportion of one half only of the net annual value of such lands respectively for so much of said rate as shall exceed two shillings in the pound.

No district assessment to be made for any local improvement.

55. The Commissioners shall not make any district assessment in respect of any local or special improvement without the sanction of at least two thirds of the ratepayers liable to the district assessment, present at a meeting called for that purpose by the Commissioners by at least fourteen days public notice stating the object of the meeting: Provided always, that all monies raised by any assessment under this Act shall be applied to the several purposes for which the same shall be made respectively, and to no other purposes.

Sinking fund special rate.

56. In case the Commissioners shall hereafter borrow any money under the authority for that purpose in this Act contained, they may make a special assessment to be called "The Sinking Fund Rate," to be levied in all respects like the township and water rates by this Act authorized: Provided always, that the total amount to be raised in any one year by means of "the sinking fund rate" shall not exceed the amount required for the year to pay the interest on money borrowed, and from time to time remaining due on mortgage under this Act, and for providing the amount to be set apart as a sinking fund for discharging the principal money so borrowed upon mortgage.

Conditions as to granting of mortgages, and rate of interest.

57. No mortgage under this Act shall be granted unless at a meeting of the Commissioners specially called for that purpose, and at which at least seven Commissioners are present, and no mortgage shall be granted at any rate of interest higher than five per cent.

Borrowing power.

58. Subject as aforesaid, the Commissioners may from time to time borrow upon mortgage for the purposes of this Act any sum not exceeding six thousand five hundred pounds in the whole, in the proportions following; (that is to say,)

Upon the security of the Clontarf water rate - £3,000

Upon the security of the Clontarf township rate - £3,500

And the Commissioners may from time to time pay off any portion of the debt so created, and reborrow the amount so paid off, if the money with which the debt has been so paid off was provided from any other source than the sinking fund by this Act authorized; but any monies paid off by the operation of the sinking fund shall not be reborrowed by the Commissioners.

59. The persons to whom any mortgages shall be granted by the Commissioners under this Act may enforce payment of any arrears of interest or principal, or of principal and interest, due upon their mortgages, by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth of the sum secured by all the mortgages.

A.D. 1869.
—
Appoint-
ment of
receiver.

60. All monies borrowed by the Commissioners under the authority of this Act shall be applied only in payment of costs, charges, and expenses of this Act, and for the purchase of land and construction of works or buildings by this Act authorized to be acquired or constructed.

Application
of monies
borrowed.

61. The amount to be set apart in every year by the Commissioners for discharging the principal money borrowed by them upon mortgage shall not be less than one thirtieth of the money so borrowed.

Sinking
fund.

62. The several assessments of rates from time to time made under this Act by the Commissioners are by this Act vested in the Commissioners, and shall be payable when and as they appoint, and to the collectors or other persons whom they appoint to receive the same.

Rates vested
in Commis-
sioners.

63. Except as is by this Act otherwise expressly provided, all monies raised by the Clontarf township rate or Clontarf water rate, and all tolls, payments for water, and penalties from time to time received under this Act by the Commissioners, shall, subject to the payment of the expenses of this Act, be applied in and towards carrying this Act into execution.

Application
of rates and
tolls.

64. The justices by whom any penalties recovered under this Act is imposed shall, except when any such penalties may be recoverable from the Commissioners, award the amount thereof to the Commissioners, to be carried to the credit of the township rate, and applied accordingly.

Application
of penalties.

65. With respect to all assessments, rates, and accounts under this Act, the year shall begin in each case with the first day of January.

Computation
of accounts.

66. If any person or persons shall find himself or themselves aggrieved by any rate made under this Act, or shall have any objection to any person or persons being put in or left out of such rate, or to the sum charged on any person therein, it shall be lawful for such person or persons to appeal to any sessions of the peace to be

Right of
appeal
against rates.

A.D. 1869. held in the presence of the assistant barrister in and for the county of Dublin at Balbriggan within six calendar months next after the cause of such complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint then such appeal shall be made to the next following sessions.

Power to determine appeal or amend rates.

67. The assistant barrister in and for the county of Dublin for the time being shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order thereon as to him shall seem meet, which order shall be final and conclusive on all parties, and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said assistant barrister shall think right: Provided always, that the assistant barrister to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the assistant barrister shall quash the same, and shall in that case order the Commissioners to make a new rate, and they are hereby required to make the same accordingly.

If rate decreased amount thereof to be returned.

68. If upon the hearing of any appeal from any rate made under this Act the assistant barrister shall order the name of any person to be struck off such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the assistant barrister that such person previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the assistant barrister shall order all and every such sum and sums of money to be repaid by the said Commissioners, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act.

Notice of appeal and grounds thereof.

69. The person or persons so appealing shall give or cause to be given at least fourteen days notice in writing of his or their intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the Commissioners, and the assistant barrister upon the hearing of such appeal shall not examine or inquire into any other

cause or ground of appeal than such as is stated and specified in the notice of appeal, and if any person or persons shall appeal against a rate because any other person is rated therein at any greater or less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person or persons so appealing shall give such notice of appeal as aforesaid not only to the clerk of the Commissioners, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall, if he so desire, be heard upon such appeal.

70. Notwithstanding any such appeal or notice thereof, every rate shall be payable and shall be levied as if no appeal had been made until such rate shall be quashed, granted, or amended.

Pending appeal, rates to be paid.

71. The assistant barrister upon hearing and finally determining the matter of any appeal shall and may according to his discretion award such costs to the party appealing or appealed against as he shall think proper, and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Costs may be awarded.

72. Nothing contained in this Act shall divest, take away, prejudice, diminish, or injuriously affect any estate, right, privilege, power, or authority of whatsoever nature vested in or exerciseable by the lord of the manor of Clontarf.

Saving rights of lord of the manor of Clontarf.

73. Nothing in this Act contained shall take away, lessen, or prejudice any of the jurisdictions, powers, rights, and authorities of the Corporation of Dublin or of the Dublin Port and Docks Board.

Saving rights of Corporation and of Dublin Port and Docks Board.

74. All the costs, charges, and expenses of and incident to the preparing and passing of this Act, or otherwise in relation thereto, and also the costs, charges, and expenses of and relating to the petition presented to the House of Commons by and on behalf of owners, lessees, and occupiers of property within the township, and of the proceedings in Parliament with relation to this Act subsequently to the petition, shall be paid by the Commissioners out of monies raised by or on the credit of the Clontarf township rate; provided that the rates to be levied under this Act, including the water rate or any other special rate, shall not exceed in the whole in any one year the sum of three shillings in the pound for any purpose whatsoever, including the costs and expenses of obtaining this Act.

Expenses of Act.

A.D. 1869.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

GENERAL MARKET TOLLS.

Shops.

To be paid by the occupiers of every inclosed shop for the sale of butchers meat, game, poultry, fish, vegetables, fruit, china, glass, earthenware, baskets, hardware, or other marketable commodities, according to the size and dimensions of the shop; namely, for every lineal foot of the frontage thereof, and so in proportion for less than a foot:

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	1	10	0
If let by the half-year, any half-yearly sum not exceeding - - -	1	0	0
If let by the quarter, any quarterly sum not exceeding - - -	0	10	0
If let by the week, any weekly sum not exceeding - - -	0	1	0

Butchers Stalls.

To be paid by the occupier of every butcher's stall, according to size and dimensions of the stall; namely, for every lineal foot of the frontage thereof, and so in proportion for less than a foot:

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	1	0	0
If let by the half-year, any half-yearly sum not exceeding - - -	0	10	0
If let by the quarter, any quarterly sum not exceeding - - -	0	5	0
If let by the week, any weekly sum not exceeding - - -	0	1	0
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - - - -	0	0	6

Vegetable and other Stalls.

To be paid for by the occupier of every stall raised above the ground for the sale of vegetables, fruit, fish, game, poultry, china, glass, earthenware, baskets, hardware, or other marketable commodities, according to the size and dimensions of the stall; namely, for every lineal foot of frontages thereof, and so in proportion for less than a foot:

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	0	10	0
If let by the half-year, any half-yearly sum not exceeding - - -	0	5	0
If let by the quarter, any quarterly sum not exceeding - - -	0	3	6
If let by the week, any weekly sum not exceeding - - -	0	0	6
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - - - -	0	0	3

Stands or Benches.

To be paid for by the occupier of every stand or bench, according to the size or dimensions of the same; namely, for every superficial square foot or fraction of a square foot thereof:

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	0	2	0
If let by the half-year, any half-yearly sum not exceeding - - -	0	1	0
If let by the quarter, any quarterly sum not exceeding - - -	0	0	6
If let by the week, any weekly sum not exceeding - - -	0	0	4
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - - - -	0	0	2

Ground Space.

To be paid by the occupier of every compartment or space on the surface of the ground, according to the size and dimensions of the same; namely, for every superficial square foot or fraction of a superficial square foot thereof:

	£	s.	d.
If let by the year, any yearly sum not exceeding - - -	0	2	0
If let by the half-year, any half-yearly sum not exceeding - - -	0	1	0
If let by the quarter, any quarterly sum not exceeding - - -	0	0	6
If let by the week, any weekly sum not exceeding - - -	0	0	3
If otherwise let or occupied, for every market day or other lawful day any daily sum not exceeding - - - - -	0	0	1

SCHEDULE B.

WHOLESALE MARKET TOLLS.

	£	s.	d.
For every waggon or cart used by any person for exposing or in which shall be exposed to sale any marketable commodity, for every market day or other lawful day, if drawn by one horse or other animal, any sum not exceeding - - - - -	0	1	0
If drawn by two or more horses or other animals, any sum not exceeding - - - - -	0	2	0
For every compartment or space on the surface of the ground used by any person for the like purpose, according to the size or dimension of the same; namely, for every superficial square foot thereof any daily sum not exceeding - - - - -	0	0	2

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SCHEDULE C.

WEIGHING AND MEASURING TOLLS, FOR WEIGHING EVERYTHING.

	£	s.	d.
If weighing not more than 28 lbs. avoirdupois - - -	0	0	0½
If weighing more than 28 lbs. and not more than 2 cwts. - - -	0	0	1
And for entire hundredweight or fraction of a hundredweight not less than a half hundredweight beyond two hundredweight -	0	0	0½

FOR MEASURING EVERY QUANTITY OF THINGS SOLD BY
MEASURE.

	£	s.	d.
If not exceeding one bushel - - - - -	0	0	0½
If exceeding one bushel and not exceeding two bushels - - -	0	0	1
And for every bushel beyond two bushels - - - - -	0	0	0½

SCHEDULE D.

CART-WEIGHING TOLLS.

	£	s.	d.
For weighing every waggon, whether loaded or unloaded - - -	0	0	4
For weighing every cart, whether loaded or unloaded - - -	0	0	4

SCHEDULE E.

SLAUGHTER-HOUSE TOLLS.

	£	s.	d.
For every ox, cow, or bullock, any sum not exceeding - - -	0	2	0
For every calf, any sum not exceeding - - - - -	0	1	0
For every sheep or lamb, any sum not exceeding - - - - -	0	0	6
For every hog or pig, any sum not exceeding - - - - -	0	0	8
For any other beast, any sum not exceeding - - - - -	0	2	0