

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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CAP. LVIII.

An Act to amend the Acts relating to the River *Poddle* in the County and City of *Dublin*.

[7th *August* 1840.]

WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for preventing the Inundations of the* Poddle *River in* Dublin, *and for preserving the Cathedral Church of* Saint Patrick *and the Houses of the adjoining Inhabitants from the Damages arising therefrom*, whereby, after reciting a certain Act made in the said Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of His Majesty *Charles* the Second, intituled *An additional Act to the Act intituled 'An Act for the cleansing of the Watercourse in* Saint Patrick Street,' certain Commissioners were appointed for carrying into effect the Purposes of the said Acts, and were empowered from Time to Time to lay such Tax or Assessment as they should think sufficient upon the Dean, Dignitaries, and Prebendaries of the Cathedral Church of *Saint Patrick*, *Dublin*, and upon every House in the Liberties

36 G. 3. (I.)

17 & 18 Car. 2. (I.)

Liberties or Baronies of *Saint Sepulchre*'s and *Thomas Court* and *Donore*, and upon every House then built or thereafter to be built situate in the City of *Dublin* or in the adjoining Liberties or Baronies of *Saint Sepulchre*'s, *Thomas Court* and *Donore*, or in the County of *Dublin*, and which Houses were or should be also liable to the Tax for the Support of the Workhouse or Foundling Hospital, and under which Houses the Watercourse described in the said Acts runs or should run, or from whence any Water should flow through any Sewer or Drain into the said Watercourse, and upon every House then built or to be built on the Sides of Streets in the said City of *Dublin*, or in the said adjoining Liberties or Baronies, or in the County of *Dublin*, and which Houses were or should be also liable to the Tax for the Support of the Workhouse or Foundling Hospital, the Kennels of which Streets empty and discharge themselves into the said Watercourse, or into any Sewer or Drain communicating with or leading or running into the said Watercourse, a certain Tax not exceeding in any One Year One Shilling in the Pound Sterling of the respective yearly Values or Rents according to which such Houses were or should be respectively chargeable to the Tax for the Support of the said Workhouse or Foundling Hospital, such Tax to be equally rated and assessed, by Warrant under the Hands and Seals of the said Commissioners, upon the several Inhabitants of such respective Houses as aforesaid, provided the Amount of the said Rates, Imposition, or Cess should not exceed the Sum of Three Pounds for any One House in any One Year, and should also rate and assess upon the Dean, Dignitaries, and Prebendaries of the said Cathedral Church of *Saint Patrick*, and on His Majesty's Castle of *Dublin*, and the Precincts thereof, comprehended within the Places from whence the said Waters descend into the said Watercourse, and through which the said Watercourse runs, such Rate and Assessment as the said Commissioners should think reasonable: And whereas many of the Houses formerly liable to the said Assessment have, by reason of the Change of Levels, and by the Construction of Sewers communicating with the River *Liffey* and not with the said River *Poddle*, ceased to be in Circumstances contemplated by the said Acts as rendering them properly chargeable for the Purposes aforesaid, and others of the said Houses so formerly liable are in many Instances occupied by poor Persons who are unable to bear the same: And whereas the said River *Poddle* has been used as a Drain for Her Majesty's Castle of *Dublin* and for the said Cathedral Church of *Saint Patrick*, and the Precincts thereof respectively, but is in its present State insufficient effectually to drain the same as well as the adjoining District, and the said Castle of *Dublin* and the said Cathedral may thereby sustain considerable Injury; and it is therefore reasonable that a Proportion of the total annual Expence of improving and maintaining the said Drainage should be defrayed by an Assessment on Her Majesty's Castle of *Dublin* and on the said Cathedral: And whereas it is expedient, for the more effectual

Execution of the Purposes of the said Acts, to transfer to the Commissioners for paving, cleansing, and lighting the Streets of *Dublin* the Powers and Authorities vested in the Commissioners appointed under the said recited Acts, and to make other Provisions for more effectually carrying the said Acts into execution: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Powers, Rights, Duties, and Authorities belonging under the said recited Acts to the Commissioners constituted or appointed thereunder, or by the said recited Acts or any of them given to or imposed upon such Commissioners, shall cease to be exercised by the said Commissioners, and shall, save as such Powers, Duties, and Authorities may be by this Act varied or curtailed, be thenceforward transferred to, imposed upon, and vested in and exercised by the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, appointed or hereafter to be appointed under the Provisions of an Act passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, and of another Act passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act to explain and amend an Act passed in the Forty-seventh Year of His present Majesty's Reign, for the more effectual Improvement of the City of* Dublin *and the Environs thereof*, who shall therein enjoy all the Powers, Privileges, and Advantages by the said first-recited Acts conferred upon the Commissioners appointed thereunder.

On Commencement of this Act the Commissioners under recited Acts shall cease to exercise the Powers thereby given, which shall be transferred to Commissioners of Paving.

47 G. 3. c. cix.

54 G. 3. c. ccxxi.

II. And be it enacted, That the Appointments of the Inspector, Collectors, Treasurer, and all other Officers, under the said Two first-recited Acts, shall cease and determine from and after the Commencement of this Act; and that the Duties and Authorities pertaining to their respective Offices shall be respectively exercised and performed by the Supervisors of Works, Collectors of Taxes, Treasurer, or such other Officer or Officers of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, as they shall direct to perform the same, without any additional Salary or Remuneration, other than such Poundage, not exceeding Sixpence in the Pound, as the said Commissioners shall think fit to allow the Collector or Collectors of the Rates to be imposed under this Act.

Appointment of Officers under recited Act to cease, and Duties to be performed by Officers of Commissioners of Paving.

III. And be it enacted, That all and every the Powers, of what Nature or Kind soever, by the said Two first-recited Acts vested in the Commissioners appointed thereunder, and hereby transferred to or vested in the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, shall and may be exercised by any Two or more of the said last-mentioned Commissioners, either personally or by

Number of Commissioners empowered to act.

by Writing under their Hands, or under their Hands and Seals, according to the Nature of the Case; and that all Contracts, Orders, and Proceedings of any Two or more of the said last-mentioned Commissioners shall have the same Force and Effect as if made or done by all the said Commissioners.

Book of Proceedings to be kept.

IV. And be it enacted, That the said Commissioners shall cause their Secretary to enter in a Book or Books to be for that Purpose provided Minutes of all their Proceedings under this Act, and of the Name or Names of the Commissioner or Commissioners present thereat, and that such Minutes shall be signed by the presiding Commissioner; and such Book or Books shall be received as Evidence of the Acts and Proceedings of the said Commissioners in all Courts of Law or Equity.

All Fines and Penalties under recited Act to be recovered by Commissioners of Paving.

V. And be it enacted, That all Fines and Penalties recoverable under the said Two recited Acts of the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, and of the Thirty-sixth Year of His Majesty King *George* the Third, or under this Act, shall and may be sued for and recovered by and in the Name of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, or in the Name of their Secretary for the Time being, and shall, when recovered, be paid to the Treasurer of the said Commissioners, and applied to the Purposes of the said recited Acts and this Act.

Rating Provisions of recited Acts repealed.

VI. And be it enacted, That from and after the Commencement of this Act the herein-before recited Provisions of the said last-recited Acts, authorizing the Commissioners appointed thereunder to lay or impose or levy the Rate, Tax, or Assessment therein mentioned, shall be and the same are hereby repealed.

Rates to be made and levied on Castle of Dublin and Cathedral Church of St. Patrick, and on the Houses affected by the Watercourse.

VII. And in order to raise a Fund to carry the Purposes of the said recited Acts and this Act into execution, in lieu of the said Tax, Rate, or Assessment hereby abolished, be it enacted, That the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, shall, from Time to Time as often as they shall find it necessary after the Commencement of this Act, and they are hereby empowered to impose and levy such Rate, Tax, or Assessment as they shall think sufficient, not exceeding Three hundred Pounds in any One Year, to defray the Expence of carrying the said recited Acts and this Act into execution, upon Her Majesty's Castle of *Dublin* and the Precincts thereof, and upon the said Cathedral Church of *Saint Patrick, Dublin*, and upon all and every the Houses and Tenements situate within the Jurisdiction of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin* under which the said Watercourse called the *Poddle* River runs or shall run, or from whence any Water shall flow through any Sewer

Sewer or Drain into the said Watercourse, and upon every the Houses and Tenements now built or to be built on the Sides of Streets the Kennels of which Streets empty and discharge themselves directly into the said Watercourse, or into any Sewer or Drain communicating with or leading or running into the said Watercourse; and such Rate, Tax, or Assessment shall be imposed and levied according to and in the Proportions herein-after mentioned; (that is to say,) upon Her Majesty's said Castle of *Dublin* and the Precincts thereof a Sum not exceeding One Moiety of the entire Amount of the said Rate, Tax, or Assessment, and upon the said Cathedral Church of *Saint Patrick, Dublin*, a Sum not exceeding One Twelfth Part of the entire Amount of such Rate, Tax, or Assessment, and upon all and every the Houses and Tenements situate and being as aforesaid, a Sum not exceeding Five Twelfth Parts of the entire Amount of such Rate, Tax, or Assessment.

Rate assessed on Dublin Castle to be paid by Board of Works, and Rate on Cathedral of St. Patrick to be paid by Dean, &c. out of the Economy Fund.

VIII. And be it enacted, That the Rate or Rates so to be assessed on Her Majesty's Castle of *Dublin*, and the Precincts thereof, shall from Time to Time be paid and payable to the said Commissioners under this Act by the Commissioners of Public Works in *Ireland*; and the Rate or Rates to be assessed on the said Cathedral Church of *Saint Patrick, Dublin*, shall from Time to Time be paid and payable to the said Commissioners under this Act by the Treasurer for the Time being of the Dean, Dignitaries, and Prebendaries of the said Cathedral Church, and his and their Successors, out of the Economy Fund of the said Cathedral Church; and in case of Nonpayment shall and may be recovered by all such Ways and Means and Remedies by which any Sum or Sums rated or assessed upon the Dean, Dignitaries, and Prebendaries of the said Cathedral Church of *Saint Patrick, Dublin*, and the said Castle of *Dublin*, or either of them, under the said Two first-recited Acts, or either of them, might or would have been levied or recovered thereunder.

Rate to be a Poundage Rate on Valuation for Relief of the Poor.

1 & 2 Vict. c. 56.

IX. And be it enacted, That the Proportion of such Rate so to be assessed on the Houses and Premises situate and being as aforesaid shall be assessed and levied upon the said several Houses and Tenements rateably according to the net annual Value thereof respectively as the same are now or shall from Time to Time be hereafter valued and rated under an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland; and in making such Assessment for the Purposes of this Act the like Exemptions and Deductions shall be allowed as by the said recited Act of the First and Second Years of Her present Majesty's Reign are directed in respect of the Rate for the Relief of the Poor to be made thereunder.

Rates to be paid by Occupier.

X. And be it enacted, That every Rate made under the Authority of this Act shall be paid to the Person authorized to collect the same

same by the Person in the actual Occupation of the rateable Property at the Time of the Rate being made from whom such Rate shall be demanded, and on his Default then by the Person subsequently in the Occupation of the rateable Property from whom such Rate shall be demanded.

Rates to be recovered from Persons chargeable therewith in like Manner as under the Acts of 47 and 54 Geo. 3.

XI. And be it enacted, That all the Rates, Taxes, and Assessments by this Act made payable shall and may be recovered from the Person or Persons chargeable therewith as aforesaid by Distress and Sale of the Goods and Chattels of such Person or Persons lying and being on the Premises (save the said Cathedral Church and Castle of *Dublin*) chargeable with such Rate, in like Manner as is provided and directed in and by this Act and the said Two recited Acts of the Forty-seventh Year and the Fifty-fourth Year of His said late Majesty's Reign with respect to any Rates payable under the said Acts.

Power of Distress for Rates.

XII. And be it enacted, That if the respective Person or Persons, Body or Bodies, who are hereby made liable as aforesaid to the Rates assessed or to be assessed by virtue of this Act or the said recited Act, shall neglect or refuse to pay to the Collector of the said Commissioners any Sum or Sums of Money which hath been rated or assessed or which shall be rated or assessed on him, her, or them, or such Body or Bodies, by virtue of this Act, or which they shall be otherwise liable to pay, that then and in any such Case it shall and may be lawful to and for the said Collectors or any of them, or other proper Officer duly authorized, by Warrant under the Hand and Seal of the Commissioners, to enter into and upon any Part of the Premises (except the said Cathedral Church and the said Castle of *Dublin*) which shall be so in arrear or hereby made liable to Distress, and to distrain the Goods and Chattels which shall be found thereon or therein, and if the same shall not be replevied or Money paid within Eight Days after such Distress made, together with the Costs attending the same, to be ascertained by the Commissioners, to sell the same, or so much thereof as shall be sufficient to answer the said Rates or other Demand, and all Costs attending such Distress and Sale, returning the Overplus (if any) to the Owner or Proprietor of such Goods and Chattels; or the said Commissioners may recover the same by One or more Action or Actions, Bill or Bills, to be brought against such Person or Persons, or against the Treasurer, Secretary, or Clerk belonging to such Body or Bodies, in the Name of the Secretary of the said Commissioners, in any of Her Majesty's Superior Courts in *Dublin*, or by Civil Bill, in the Name of the said Secretary, in the Court of proper Jurisdiction.

No House under 15*l.* net annual Value to be rated.

XIII. Provided always, and be it enacted, That no House or Premises shall be rated or assessed under this Act which is or shall be valued under this Act at a lesser Sum than Fifteen Pounds net annual Value.

XIV. And

Rates on Lodging Houses to be paid by Landlord.

XIV. And be it enacted, That where any House or Tenement shall be let in Lodgings to different Persons, and the Persons letting such Lodgings shall not reside in the said House or Tenement, then and in every such Case the Persons letting such Lodging, or the immediate Lessor or Lessors under whom all the different Holdings in such House or Tenement shall be derived, shall be subject and liable to the Payment of the said Tax thereon; and if such Lodgers, or any of them, shall pay the same, or any Part thereof, he, she, or they shall be entitled to deduct the Sum or Sums so paid out of his or her Rent for such Lodgings.

Power to inspect Valuation for Poor Rates.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons authorized by them, at all convenient Times, to inspect the Books of Valuation and Rates made by the Boards of Guardians of the Unions in which any House or Tenement liable to Assessment under this Act shall be situate, in order to ascertain or regulate the Rates and Assessments to be laid and raised by virtue of this Act, and to take Copies and Extracts of and from such Books respectively, which Inspection, Copies, and Extracts the respective Boards of Guardians, their Clerks and other Officers, having the Custody of such Books of Valuation and Rates, are hereby required to permit to be made and taken without any Fee or Reward.

All Houses not rated for the Poor to be valued by Commissioners.

XVI. Provided always, and be it enacted, That if any of the said Houses or Tenements shall not at the Time of any such Assessment to be made under this Act have been valued for the Rate for the Relief of the Poor as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, by Writing under their Hands, to nominate and appoint any Three Persons conversant in Buildings whom they shall think fit, to make and ascertain a Valuation of such Houses and Tenements, which Valuation shall be returned to the said Commissioners, with a Declaration thereunto annexed, made before any Justice of the Peace for the County of the City of *Dublin*, purporting that such Valuation was made by the said Valuators, according to the best of their Skill and Knowledge, without Partiality or Favour to any Person or Persons concerned or interested therein, according to the Mode pursued and directed by the said recited Act for the Relief of the destitute Poor in *Ireland*, which Valuation so made shall, for the Purposes of this Act only, and for no other Purpose, be deemed Evidence of the annual Value of the same respectively.

Power to enter Premises to make Repairs, &c.

XVII. And be it enacted, That it shall and may be lawful to and for the said Commissioners or their Supervisor, or any other Person or Persons employed or authorized by them, at all convenient Times, to enter any Premises within the Jurisdiction of the said Commissioners which the said Commissioners shall consider necessary for the Purpose

Purpose of widening, deepening, or cleansing the said River, or the Walls or Arches thereof, so as to render the Sewage and Drainage more effectual, making reasonable Compensation for any Injury thereby done.

Commissioners may apply their other Funds to Purposes of this Act.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners, in defect of Funds under this Act, from Time to Time to lay out and expend, out of the Monies accruing to or vested in them under the said recited Acts of the Forty-seventh and Fifty-fourth Years of the Reign of His Majesty King *George* the Third, such Sum or Sums of Money, not exceeding in any One Year Three hundred Pounds, as may be required to carry into effect the Purposes of this Act: Provided always, that distinct Accounts shall be kept of all Monies so advanced and the Purpose to which the same may be applied, and that the same, so soon as conveniently may be after an Assessment shall have been made under this Act, and the Money so assessed shall be received or recovered by the said Commissioners, shall be repaid out of so much of the Monies raised by Assessment under this Act as shall not be required for the carrying into execution the Purposes of the said Two first-recited Acts and of this Act.

Property to vest in Commissioners of Paving.

XIX. And be it enacted, That all the Estates and Effects, Real and Personal, and all Debts, Dues (save Arrears of Rates), and all Penalties of or belonging to or recoverable by the said Commissioners appointed under the said Two first-recited Acts in that Capacity, shall, from and after the Commencement of this Act, be and they are hereby given to and vested in and made payable to and recoverable by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, who shall have all such Remedies for recovering the said Debts, Dues, and Penalties respectively as by the said recited Acts or by this Act are provided for receiving and recovering any Debts, Dues, or Penalties thereunder; and that all Debts so due by the said Commissioners under the said recited Acts in their Capacity as such Commissioners shall be borne and paid by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, out of the Monies to be raised and levied by virtue of this Act.

Assessments, &c. to be handed over to Commissioners of Paving.

XX. And be it enacted, That upon the Commencement of this Act the said Commissioners so appointed under the said Two first-recited Acts, and their Secretary, Treasurer, Inspector, and other Officers, shall deliver over to the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin* all Assessments, Valuations, Contracts, Books, and other Documents relating to the several Purposes and Objects of the said Acts.

Notices required by recited Act

XXI. And be it enacted, That in every Case where by the said first-recited Act any Notice is provided to be given by or to

the Inspector under the said Act it shall and may be lawful for the Secretary of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and he is hereby authorized and directed, to give or receive such Notice as therein provided, and such Notice shall be of equal Force and Validity as any Notice to be given to or received by the Inspector under the said Act. to be given by Secretary of Commissioners.

XXII. And be it enacted, That it shall and may be lawful for the said Commissioners under this Act, and their Successors, from Time to Time to contract with a fit Person or fit Persons for all or any Works necessary for the Purposes and Objects of this Act, in like Manner as they are now empowered to do for any Works under the said recited Acts of the Forty-seventh and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third. Power to contract.

XXIII. And be it enacted, That in the Books of Account of the said Commissioners distinct and separate Accounts shall be kept of the Produce of each and every distinct Tax, Rate, and Assessment hereby imposed, or directed to be raised, levied, or paid, and what Sum or Sums shall have been paid and applied to the Purposes of this Act respectively. Distinct Accounts to be kept;

XXIV. And be it enacted, That the Accounts of the said Commissioners under this Act shall be subject to the like Audit and Examination in all respects as the other Accounts of the said Commissioners are or shall be by Law subject to. and to be subject to Audit.

XXV. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such Person may apply to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the City or County of *Dublin*, as the Cause of Complaint shall have arisen, and within Three Calendar Months after such Cause of Action shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Secretary of the said Commissioners, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place, which such Justice is hereby authorized and required to take, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and abide the Order of and pay such Costs as shall be awarded by the Justices of the said Quarter Sessions; and the said Justices at such Sessions shall, upon due Proof of such Notice being given and of such Recognizance being entered into, hear and determine the Course and Matters of such Appeal in a summary Way, and award such Costs to the Party aggrieved as they shall think proper, and their Determination shall be final and conclusive to all Parties. Appeal to Sessions, 47 G. 3. c.

XXVI. And

Expences of Act.

XXVI. And be it enacted, That the Costs, Charges, and Expences of preparing and procuring this Act shall be paid by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, out of the first Monies to be received by virtue thereof.

Public Act.

XXVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement of Act.

XXVIII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and forty.

Act may be amended this Session.

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

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