CHAPTER cxliii.

An Act to enable the Commissioners of the Bray Township to construct a Sea Wall along the Esplanade and other Works and for other purposes. [18th July 1881.]

A.D. 1881.

WHEREAS by the Bray Township Act 1866 intituled "An "Act for the Improvement of the Town and District of "Bray in the baronies of Rathdown and counties of Dublin and Wicklow" (herein called "the recited Act") the township of Bray (herein called "the township") was defined and Commissioners were constituted and powers were conferred for improving and regulating the township: 29 & 30 Vict. c. cclxi.

And whereas by the recited Act the Commissioners were authorised to maintain the esplanade along the sea shore in front of the town of Bray described in the recited Act and it is expedient that the Commissioners should be authorised to construct a sea wall for the protection of the said esplanade from the encroachments of the sea which are constantly taking place and so save much annual expense in repair which in the present year amounts to upwards of five hundred pounds:

And whereas it is expedient that the Commissioners should be authorised to construct and maintain the works by this Act authorised:

And whereas the Right Honourable William Earl of Meath on behalf of himself and his successors in title (all of whom are herein referred to as and included in the expression "Lord Meath") is or claims to be entitled under letters patent to certain market rights within the township of Great Bray:

And whereas the Honourable Reginald Brabazon commonly called Lord Brabazon the eldest son and heir of the said Earl proposes to erect a market house within the said township and to grant a lease of the same to the Commissioners for the term of one thousand years upon terms agreed or to be agreed between him and the Commissioners:

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And whereas the said Earl and the said Lord Brabazon are willing that when and so soon as the said market house has been so erected and leased to the Commissioners their market rights under the said letters patent should cease to be exercised during the continuance of the term of the said lease and that so long as the said term shall continue the regulation of markets within the said township should be conferred upon the Commissioners:

And whereas it is expedient that the Commissioners should be empowered to erect and maintain a town hall and to provide baths and that provision should be made to prevent the waste misuse and contamination of water supplied by the Commissioners:

And whereas it is expedient that the Commissioners should be enabled to raise money and that powers with reference to rates tolls dues and other matters should be conferred on the Commissioners as by this Act provided:

And whereas plans and sections describing the lines situation and levels of the works authorised by this Act and showing the lands to be acquired compulsorily under the powers of this Act for the purposes of the said works and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all lands to be taken compulsorily have been deposited with the clerks of the peace for the counties of Dublin and Wicklow and are in this Act referred to as "the deposited plans sections and books of reference":

And whereas the objects of this Act 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 this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. This Act may be cited for all purposes as the Bray Township Act 1881.

Incorporation of general Acts.

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

10 & 11 Vict. c. 16. The provisions of the Commissioners Clauses Act 1847 With respect to the mortgages to be executed by the Commissioners except section 84:

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (so far as these Acts respectively are not inconsistent with the Acts next herein-after mentioned):

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The Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 and the Railways Act (Ireland) 1864:
The Railways Traverse 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:
With respect to the crossing of roads or other interference therewith:
And with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices:
The Harbours Docks and Piers Clauses Act 1847 Provided that sections 16 to 19 (both inclusive) of the last-mentioned enactment shall only be in force if and when the Board of Trade require.

14 & 15 Vict. c. 70.
23 & 24 Vict. c. 97.
27 & 28 Vict. c. 71.
31 & 32 Vict. c. 70.
8 & 9 Vict. c. 20.
10 & 11 Vict. c. 27.

Interpretation of expressions in general Acts.

3. In construing for the purposes of this Act the Commissioners Clauses Act 1847 or any other Act or Acts mentioned in the next preceding enactment the following words unless there be something in the subject or context repugnant to such construction (that is to say) the expressions "the promoters" "the promoters of the undertaking" "the undertakers" or "the Company" shall mean the Commissioners the words "the railway" and "the undertaking" and the "harbour" "dock" and "pier" shall mean all the works or any of them by this Act authorised.

Interpretation of terms.

4. In construing this Act unless the context otherwise requires:
The expression "the recited Act" means the Bray Township Act, 1866:
The expression "the township" means the Bray township as defined and constituted by the recited Act:
The expression "the Commissioners" means the Bray Commissioners acting in and for the township:
The expression "the clerk" means the clerk of the Commissioners:
The expression "the dock" or "the harbour works" means the breakwaters sea walls and other works connected therewith authorised by this Act and shall include the Bray sea esplanade and the sea wall along the said esplanade and the pier authorised by this Act:
The expression "the Bray sea esplanade" means the esplanade maintained by the Commissioners under the recited Act:
The expression "the pier" means the promenade pier and landing stage and works and conveniences connected therewith by this Act authorised to be made:

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The expression "the Local Government Board" means the Local Government Board for Ireland.

Recited Act and this Act to be read as one Act.

5. Subject to the provisions of this Act the recited Act as amended by this Act and this Act shall from and after the passing of this Act be read and have effect as one Act Provided always that in construing the recited Act for the purposes of this Act in case there shall be any inconsistency between the provisions of the recited Act and this Act the provisions of this Act shall in every and in all cases prevail and the generality of this enactment shall not be restricted by expressions used in any other section of this Act.

Powers of barony presentment sessions in township vested in Commissioners.

6. On and after the passing of this Act all powers vested in the presentment sessions of the baronies in which the township is situated with respect to the making and maintaining or otherwise relating to any road or bridge or footpath or other works within the township are hereby extinguished and all such powers are hereby transferred to and shall vest in the Commissioners and it shall not be necessary for the Commissioners to bring before the said presentment sessions any matters as to the making and maintaining or otherwise relating to any road or bridge or footpath or any other works within the township to be made and done by the Commissioners and any resolution with reference to such intended works passed at a meeting of the Commissioners specially convened for the purpose shall have the force and effect of a presentment passed at a presentment sessions under the present Grand Jury Acts in force for the said counties of Dublin and Wicklow respectively. And upon such resolution or resolutions having been passed by a majority of the Commissioners present at a meeting so specially convened as aforesaid the clerk shall forward a certified copy thereof to the secretary or secretaries of the grand jury for the counties of Wicklow and Dublin respectively and the said secretary or secretaries shall thereupon deal with such resolution as if the same had been passed by the presentment sessions of the barony or baronies in which any part of the township is situate to which the intended work in the said resolution when passed may refer as if the same had also been passed by the grand juries of the counties of Wicklow or Dublin respectively as the case may be. And it shall be the duty of such secretary or secretaries of the said grand juries respectively to include such resolutions respectively amongst the presentments passed for the said baronies respectively for confirmation and fiat of the judge of assize in the county of Wicklow and for the judge of the Court of Queen's Bench in Dublin for the county of Dublin before whom the presentments of the respective baronies in the counties of Wicklow and Dublin respectively in

which the township is situate now come. And the same rights of traverse shall attach with reference to the lands or works that may be referred to in such resolution of the Commissioners as now exist in the case of all other grand jury presentments in the counties of Wicklow and Dublin respectively.

Power to make esplanade sea wall.

7. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the following works with all necessary approaches works and other conveniences necessary and suitable in connexion therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes The works referred to in this section are

(1.) A sea wall throughout the entire length of the Bray Sea Esplanade commencing at the northernmost extremity of the said esplanade at or about the point known as Kelly's Rampart and terminating at the southernmost extremity of the said esplanade at the Cock Brook.

(2.) A promenade pier and landing stage commencing at a point on the beach or sea shore in a straight line with the level crossing forming the communication across the Dublin Wicklow and Wexford Railway from the Quinsborough Road to the Bray Esplanade and running nearly straight out to sea in nearly a north-easterly direction for a distance of 300 yards or thereabouts from low-water mark.

Power to make harbour works and outfall sewers.

8. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the dock or harbour works and outfall sewers herein-after described with all necessary approaches works or other conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes The works referred to in this section are

(A) A retaining wall commencing from the east end of the southern abutment of the bridge which carries the Dublin Wicklow and Wexford Railway over the Bray River and extending to and terminating in an easterly direction 17 yards or thereabouts from its commencement.

(B) A wall to form the western side of the proposed harbour or dock commencing from the eastern extremity of the aforesaid retaining wall and extending to and terminating 120 yards or thereabouts in a southerly direction nearly parallel with Dock Terrace.

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(C) A wall to form the south end of the proposed harbour or dock commencing from the southern termination of the western wall or side of the harbour aforesaid and extending to and terminating in an easterly direction 80 yards or thereabouts at right angles to the said western wall.

(D) A wall to form the eastern side of the harbour or dock commencing from the eastern extremity of the aforesaid southern wall and running in a northerly direction and parallel to the western wall aforesaid to a distance of 130 yards or thereabouts where it terminates.

(E) A breakwater commencing from the north end of the eastern wall or side of the harbour or dock aforesaid and terminating at a point in the bed of the sea in an easterly direction 175 yards or thereabouts from the aforesaid north end of the eastern wall.

(F) A sea wall for the protection of the harbour or dock aforesaid commencing from the north end of the rampart on the east side of Martello Terrace and running in a northerly direction for a distance of 120 yards or thereabouts to its junction with the southern breakwater aforesaid where it terminates.

(G) A breakwater on the northern side of Bray River commencing at the east end of the northern abutment of the railway bridge aforesaid and running parallel to the southern breakwater aforesaid to a point in the bed of the sea 260 yards or thereabouts from the east end of the northern abutment aforesaid.

(H) An outfall sewer in each of the said breakwaters (E) and (G) with the necessary sluices valves and other works to discharge at the eastern ends of the said breakwaters.

And the Commissioners may erect and maintain all proper shipping and landing places jetties wharves warehouses sheds cranes and other works and conveniences in connexion with and for the better use of the harbour and dock and may from time to time alter remove renew and replace any such works or conveniences.

Power to dredge dock, &c.

9. Subject to the provisions of this Act the Commissioners may from time to time enter on and dredge scour and deepen the bed and soil of the sea opposite or near to and within the harbour works as may be necessary or convenient for the purpose of maintaining and improving the harbour or dock and facilitating the access to the same.

Survey of works by Board of Trade.

10. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across

tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Abatement of work abandoned or decayed.

11. If a work constructed by the Commissioners on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Lights on works.

12. The Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

Penalty for failure to exhibit light.

13. If the Commissioners fail to comply in any respect with the provisions of the preceding section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Commissioners to exhibit lights.

14. The Commissioners shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Irish Lights shall from time to time direct.

Damage to property of Alliance and Dublin Consumers Gas Company to be made good.

15. The Commissioners shall repair and make good all damage done to the property of the Alliance and Dublin Consumers Gas Company by disturbance occasioned by the construction of any of the works authorised by this Act.

Harbour rates.

16. When and so soon as it shall from time to time be certified under the hand of an officer to be appointed by the Board of Trade for that purpose that the Commissioners have constructed and so far completed any portion of the harbour works as to afford convenient accommodation for vessels the Commissioners may although the

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whole of the works shall not then have been completed demand and receive in respect of the vessels goods and things described in the Schedule (H) to the recited Act annexed any sums not exceeding the rates in that schedule specified and they may supply water to vessels using the harbour and may make a reasonable charge for such supply of water not exceeding five shillings per one thousand gallons.

Passenger rates as to harbour.

17. When and so soon as any such certificate as aforesaid shall have been obtained the Commissioners may demand for every passenger including his ordinary luggage not exceeding one hundred and twelve pounds in weight embarking or disembarking within the harbour or at or upon or otherwise using any of the harbour works or wharf quay or other work of the like nature connected therewith any sum not exceeding sixpence. And in respect of the ordinary luggage of any such passenger beyond one hundred and twelve pounds in weight the Commissioners may demand and receive any further sum not exceeding sixpence per hundredweight or any part of a hundredweight.

Power to appoint meters and weighers.

18. The Commissioners may appoint and license a sufficient number of persons to be meters and weighers within the harbour.

Appointment of dock-master.

19. The Commissioners may appoint such person or persons as they from time to time shall think fit to be and exercise the duties of dock-master.

Byelaws as to disposal of ballast.

20. The Commissioners from time to time may make and may alter and repeal such byelaws as they think fit for regulating the removal and disposal of all ballast brought by vessels entering the harbour and for regulating the supply of ballast to vessels so as to prevent ballast being thrown or allowed to fall overboard.

Pier rates.

21. When and so soon as any such certificate as aforesaid under the hand of an officer of the Board of Trade shall have been obtained that the Commissioners have constructed any portion of the pier so as to afford accommodation for passengers or promenaders the Commissioners may demand and receive in respect of the use of the pier any sums not exceeding the rates specified in the First Schedule to this Act annexed.

Commissioners may contract with persons for the use of the pier.

22. The Commissioners may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such a period not exceeding one year as are agreed on but so that no preference be given to any person Such a pass shall not be transferable and shall not be used by any person except the person for whom it is granted or by any person after the period limited for its use If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit

ticket he shall for every such offence be liable to a penalty not exceeding forty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Restrictions on use of pier.

23. Notwithstanding anything in this Act contained it shall not be lawful for any person to bring alongside the pier authorised by this Act any vessel or boat or for any person to ship or unship at the said pier any sheep cattle or merchandise of any kind whatsoever or to ship or unship there anything which in the judgment of the Commissioners might in any manner injure the pier or interfere with the use of the same for recreation or for the embarking or landing of passengers.

Commissioners may grant approach to pier across esplanade.

24. The Commissioners may during their term grant to any pier company for the time being constituted for the purpose of making and maintaining a pier at Bray leave to erect the said pier so as that the same may abut upon the Bray Sea Esplanade and the Commissioners may also grant to any such pier company leave to have and use an approach to any such pier across the said esplanade and works connected therewith on such terms and conditions and subject to such regulations as the Commissioners may think fit.

Provision for preventing waste &c. of water.

25. For preventing waste misuse or contamination of the water of the Commissioners the following provisions in addition to all other powers vested in the Commissioners for that purpose shall have effect but so far only as the Commissioners are bound to give a constant supply namely:—

(1) The Commissioners may from time to time make byelaws for the objects aforesaid to be observed by persons supplied with water.

(2) The Commissioners may if they think fit upon the report by their duly authorised officer of the failure of any person to observe such byelaws without notice enter and by or under the direction of such authorised officer repair replace or alter any pipe meter fittings valve cock cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any such person supplied by them with water and the power of entry given by section 15 of the Waterworks Clauses Act 1863 incorporated in the recited Act and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expenses of every such repair replacement or alteration shall be repaid to the Commissioners by the person to whom or on whose credit the water is supplied and may be recovered by them before a justice in a summary manner.

26 & 27 Vict. c. 93.

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(3) The Commissioners by their duly authorised officer may from time to time enter between the hours of ten in the forenoon and four in the afternoon or at any other time with the order of a justice and inspect the water fittings belonging to or used by any person supplied by them with water and if satisfied that such water fittings are properly constructed the said officer may brand the same and in case the said officer shall not be satisfied with the water fittings he shall report the same to the Commissioners who may direct that the supply of water shall be cut off until proper and sufficient water fittings are substituted to the satisfaction of the said officer and the same branded by him accordingly.

(4) When an owner or occupier shall require a supply of water from the main the junction of the service pipes necessary for such supply with the main shall be made by an officer of the Commissioners and in all cases the whole of the work necessary for the supply of water or for the laying or repairing of such service pipes between such point of junction and the house building or tenement to be supplied shall be executed by or under the inspection and to the satisfaction of an officer of the Commissioners and before such water fittings are made the owner or occupier requiring a supply of water from the Commissioners shall if the same are to be supplied and executed by the Commissioners deposit such amount of money in the hands of the clerk as the Commissioners shall deem sufficient to meet the expense of such water fittings and any surplus of such deposited money over the expense of the said water fittings shall be repaid to such owner or occupier by the clerk or if there be a deficiency to meet the expense of such water fittings such deficiency shall be paid to the Commissioners by the owner or occupier requiring such supply of water on whose behalf the expense is incurred and if not paid may be recovered by proceedings before a justice in a summary manner.

Bathing places.

26. The Commissioners may from time to time purchase rent or otherwise provide suitable and convenient land and buildings or other erections on or near the shore of the sea within or near the township except on the foreshore along and in front of the Bray Sea Esplanade or in such other place as they may think expedient to be used for fresh or sea water baths and open bathing places and for wash-houses and drying grounds for the use of the inhabitants and may fit up the same respectively with all requisite and proper conveniences and from time to time enlarge renew and repair the same respectively and afford the use thereof respectively to such inhabitants at such reasonable charges and under and subject to such regulations

or byelaws to be made by the Commissioners as the Commissioners may deem expedient and every person who offends against any such regulations or byelaws shall be liable to a penalty not exceeding forty shillings for every offence Provided always that no building of any nature or description shall without the previous consent in writing of Lord Meath be erected upon the esplanade or upon the shore adjoining or in front of the esplanade.

Charges for the use of baths.

27. The Commissioners may from time to time make such reasonable charges for the use of such baths bathing places wash-houses and conveniences connected therewith as they think fit.

Publication of byelaws in regard to baths, &c.

28. A printed copy or sufficient abstract of the byelaws made by the Commissioners relating to the use of such baths bathing places and wash-houses so far as regards every such bath and bathing place and wash-house shall be put up in such bath-room bathing place and wash-house.

Commissioners may let baths, &c.

29. Whenever it may be deemed expedient by the Commissioners so to do they may from time to time let for a period not exceeding three years for the same purposes any of such baths or bathing places wash-houses or drying grounds and the Commissioners may also discontinue the same and may take down any such buildings and may sell the materials for the best price that can be reasonably obtained and the purchase money shall be paid to the Commissioners.

Commissioners may erect town hall.

30. The Commissioners may on lands to be acquired by them by agreement within the township erect and maintain a town hall or they may purchase hire or take on lease suitable premises within the township for such purpose and may from time to time let the said hall or any part thereof for temporary purposes.

Provision as to markets in Great Bray township.

31. If and so soon as the said Lord Brabazon shall have erected and granted to the Commissioners a lease of the market house which he proposes to erect as aforesaid in the township of Great Bray the following provisions shall have effect (that is to say)

(*a*) The rights powers and privileges of Lord Meath under the said letters patent of holding markets or otherwise with reference to markets within the township of Great Bray shall cease to be exercised for and during the continuance of the term of the said lease.

(*b*) The Commissioners may upon land to be acquired by them as near as conveniently may be to the said market house to be leased to them as before provided and during the continuance of the said lease provide and maintain a market and market place for the sale of hay and straw.

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(*c*) In addition to the powers conferred on the Commissioners by the recited Act with reference to fairs and markets the Commissioners may within the township of Great Bray regulate the times for holding markets within the said market house and within the said market and market place for the sale of hay and straw and may in respect of such markets demand and take the tolls specified in Schedules A. B. C. D. and E. to the recited Act annexed.

(*d*) It shall not be lawful during the continuance of the said lease to hold any markets or for any person to expose any marketable commodity for sale within the township of Great Bray except in his own dwelling-house or shop otherwise than in the market house to be so leased to the Commissioners and as regards hay and straw in the market and market place for the sale of hay and straw to be provided by the Commissioners under the provisions of this Act.

Rates for hackney carriages plying in township and for a certain distance outside.

32. The Commissioners may fix the rates or fares as well as for time as distance to be paid for hackney carriages plying for hire for the carriage of passengers within the township and going without and returning to the township for any distance not exceeding ten miles from the Bray railway station in the town of Bray and to and from the places specified in the Second Schedule to this Act (which are places of interest in the neighbourhood of the township) and the sections of the Towns Improvement (Ireland) Act 1854 with respect to hackney carriages incorporated with the recited Act shall be read and have effect as if the extended distance herein authorised for fixing the said rates or fares had been therein inserted.

17 & 18 Vict. c. 103.

Works may be deviated to the extent shown on plan.

33. Subject to the provisions of this Act the Commissioners may in constructing the works by this Act authorised deviate to the extent of the limits of deviation respectively marked upon the deposited plans and may deviate from the levels thereof as shown on the deposited sections to any extent not exceeding ten feet.

Power to purchase additional lands by agreement.

34. The Commissioners may from time to time for the purposes of this Act or any of them purchase by agreement any lands or other property in addition to lands which they are authorised to take by compulsion and the Commissioners may hold the same not exceeding in the whole three acres and the Commissioners may from time to time demise or sell and convey such lands and other property or such parts thereof as they may not require and as they may deem expedient.

Period for compulsory purchase of lands.

35. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

36. After the expiration of seven years from the passing of this Act all the powers hereby granted to the Commissioners for executing the works by this Act authorised shall cease to be exercised except as to so much of the same respectively as shall then be completed.

Assessments within township.

37. With respect to the assessments of the several rates to be made by the Commissioners under the provisions of the recited Act as amended by this Act and of this Act for the purposes of the recited Act and of this Act within the township the following provisions shall have effect (that is to say)—

(1) In addition to all other powers vested in the Commissioners under the recited Act and this Act for the recovery of rates made by them within the township every rate made under the authority of the recited Act or of this Act shall be paid to the person authorised to collect the same by the person in the actual occupation of the rateable property at the time of the rate made and on his default then by the person subsequently in the occupation of the rateable property from whom such rate shall be demanded Provided always that in case the person occupying such property and paying such rate and any costs incurred in respect thereof or any part thereof respectively shall not be the person primarily liable to pay the rate or the immediate or any superior landlord of the person primarily liable it shall be lawful for him to deduct and retain the whole of the rate and costs paid by him from any rent paid by him and the person from whose rent such rate and costs shall be so deducted shall be entitled to make from any rent paid by him such deduction as he would have been entitled to make in case the rate had been duly paid by the person primarily liable to pay the same Provided also that no rate or costs shall be recovered under the powers of this section after the expiration of two years from the day when the rate was made.

(2) Nothing in the recited Act or in this Act contained shall authorise the Commissioners to levy any township rate water rate or sinking fund special rate within the township so as that the same shall together exceed in any one year the sum of three shillings and sixpence in the pound on the yearly value of the premises assessed but notwithstanding anything contained in the recited Act the Commissioners may levy the Bray township rate and the Bray township water rate and any other special rate authorised by the recited Act so as that the same together notwithstanding the limitation as to the separate amounts of such rates or any of them contained in the

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recited Act shall not exceed in the whole in any one year the sum of three shillings and sixpence in the pound on the yearly value of the premises assessed.

Powers of Commissioners under Public Health (Ireland) Act 1878 reserved. 41 & 42 Vict. c. 52.

38. Nothing in this Act contained shall prejudice lessen or take away any powers rights or privileges belonging to or vested in the Commissioners under the Public Health (Ireland) Act 1878 or any Act amending the same with reference to making rates for any purpose or to any other matter whatsoever but all such powers rights privileges and authorities shall be and remain good valid and effectual as if this Act had not been passed.

Application of rates and tolls, &c.

39. Subject to the provisions of this Act section 85 of the recited Act (application of rates) shall continue to extend to and be applicable as well to the purposes of the recited Act (in so far as any of such purposes remain in force and have not lapsed) as to the purposes of this Act and to all tolls rates or revenues to be received by or coming to the Commissioners under the recited Act or this Act.

Commissioners may apply tolls rates &c. towards the purposes of this Act.

40. The Commissioners may apply any rates tolls dues and revenues whatsoever coming to them under the provisions of the recited Act or this Act towards the objects and purposes of this Act.

Powers to borrow.

41. The Commissioners in addition to any moneys they have borrowed or are authorised to borrow before the passing of this Act may for the purposes of this Act from time to time borrow any sums not exceeding the following (that is to say) :—

For the esplanade sea wall outfall sewers baths bathing places wash-houses markets and market places town hall water mains and purposes of this Act other than harbour works and pier any sum not exceeding twenty thousand pounds ;

For harbour works any sum not exceeding fifteen thousand pounds ;

For the pier any sum not exceeding fifteen thousand pounds being in all fifty thousand pounds on mortgage of the rates tolls or other revenues for the time being levied by or coming to them under the provisions of the recited Act or of this Act or on mortgage of any of these rates tolls or other revenues.

Commissioners may issue debentures payable to bearer and for any amount not less than one hundred pounds.

42. In lieu of raising the whole or any part of the said sum of fifty thousand pounds by issuing mortgages as by this Act provided the Commissioners may from time to time raise the same or such part thereof as they may think fit by the issue of debentures charged on the said rates tolls and other revenues or any of them and that in manner prescribed by the Local Loans Act 1875 section 5 of which Act with reference to debentures is hereby incorporated and

38 & 39 Vict. c. 83.

made applicable for such purpose and such debentures may be for any amount not less than one hundred pounds. A.D. 1881.

Commissioners may re-borrow to amount paid off.

43. If after having borrowed the said sum of fifty thousand pounds or any part thereof under this Act the Commissioners pay off the same otherwise than by means of the sinking fund provided by this Act it shall be lawful for them again to borrow on the same security the amount so paid off and so from time to time.

Priority of mortgages.

44. All mortgages made by the Commissioners before the passing of this Act affecting any rates tolls or revenues by this Act authorised to be mortgaged shall during their respective continuance have priority over any mortgage or charge of the same security granted under and for the purposes of this Act.

Sinking fund to be formed by Commissioners.

45. The Commissioners shall in respect of the money borrowed or raised by them under the provisions of this Act set apart annually out of their revenues an amount equal to one-sixtieth part of the moneys so borrowed to be applied as a sinking fund in paying off the moneys so borrowed and until the moneys forming the sinking fund shall be applied in paying off the moneys borrowed or such part thereof as the Commissioners may think ought to be paid off the Commissioners may place them with their bankers for the time being or may invest them in the purchase of Exchequer bills or other Government securities to be increased by accumulation in the way of compound interest or otherwise but so that the Commissioners shall not allow any sum exceeding three hundred pounds to remain with the bankers of the Commissioners for a longer period than six calendar months without investing the same as aforesaid Provided it shall be lawful for the Commissioners instead of bringing any moneys into the sinking fund to pay off a portion of the money borrowed to an amount equivalent to the amount which ought to be brought into the sinking fund and in case a part only of such moneys shall be so applied the Commissioners shall bring the residue thereof into the sinking fund Provided further that it shall not be obligatory upon the Commissioners to commence any such sinking fund for the aforesaid purpose until five years after the passing of this Act.

Annual return to Local Government Board with respect to sinking fund.

46. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be required by the said Board and verified by statutory declaration if so required by them showing the amount which has been invested or otherwise paid for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the

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same has been invested and also showing the purposes to which any portion of the moneys set apart for the sinking fund and all interest thereof have been applied during the same period and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk making such default shall be liable to a penalty of not exceeding twenty pounds If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board and the provisions of this section shall apply mutatis mutandis to annual appropriations and instalments under the Local Loans Act 1875.

Power to Commissioners to create debenture stock.

47. For enabling the Commissioners to substitute a continuing stock for renewable mortgages in the ordinary form the following provisions shall have effect (that is to say):

(1) The Commissioners may raise any money which they are by the recited Act or by this Act authorised to borrow by the creation and issue at such times in such amounts and manner at such price on such terms subject to such conditions and with such rights and privileges as they think fit of stock to be called Bray debenture stock (herein-after called debenture stock) charged upon the tolls rates rents and moneys by the recited Act and by this Act authorised or made payable to the Commissioners bearing a fixed and continuing interest payable half-yearly or otherwise and redeemable (at the option of the Commissioners) at par or at such premium as may be fixed on the creation thereof and at such time and on such conditions as the Commissioners declare on the creation thereof;

(2) The debenture stock shall be transferable by deed and shall have all the incidents of personal estate;

(3) The Commissioners shall cause entries of the debenture stock from time to time issued by them to be made in a register with the names and addresses of the holders and the amounts of their holdings;

(4) The register shall be accessible for inspection at all reasonable times to mortgagees debenture holders and holders of debenture stock of the Commissioners without charge;

(5) The Commissioners shall deliver to each holder of debenture stock a certificate stating the amount held by him;

(6) The debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Commissioners other than the right to require payment of the nominal principal money represented thereby;

(7) The interest of the debenture stock shall rank next to the interest payable on the mortgages of the Commissioners legally granted and charged upon the tolls rates rents and moneys by the recited Act and by this Act authorised or any of them before the creation of such debenture stock but the holders of the debenture stock shall not as among themselves be entitled to any preference or priority:

Provided always that:

(*a*) Nothing in this Act contained as to the creation or issue of debenture stock shall in any way affect any mortgage debenture or bond at any time legally granted by the Commissioners before the creation or issue of such debenture stock but the holders of all such mortgages debentures and bonds shall during the continuance thereof respectively be entitled to the same priorities rights and privileges in all respects as they would have been entitled to if the creation and issue of debenture stock had not been authorised by this Act:

(*b*) Separate and distinct accounts shall be kept by the Commissioners showing how much money has been received for or on account of debenture stock and how much money borrowed or owing on mortgage or debenture which they have power so to borrow under the recited Act or under this Act has been paid off by debenture stock or raised thereby instead of being borrowed on mortgage or debenture;

(*c*) The power of the Commissioners to raise money on mortgage or debenture under the recited Act or under this Act shall be diminished by the amount of debenture stock so from time to time created and issued.

Receiver for mortgages &c. by Commissioners.

48. The mortgagees and debenture holders of the Commissioners under the recited Act or this Act may enforce the payment of interest or principal or principal and interest due on their mortgages and debentures by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees and debenture holders by whom the application for a receiver shall be made shall not be less than five thousand pounds in the whole and the debenture stockholders may enforce payment of the interest due on their debenture stock by a like appointment and to authorise the appointment of a receiver in respect of arrears of interest due on any debenture stock the amount owing to debenture stockholders by whom

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the application for a receiver shall be made shall not be less than two hundred and fifty pounds in the whole and any receiver appointed shall have regard to the priorities of any mortgagees or debenture holders or debenture stockholders in the distribution of any funds coming to his hands.

Protection of lender from inquiry.

49 A lender of money to the Commissioners under the recited Act or this Act either on mortgage debenture or debenture stock shall not be bound or entitled to inquire respecting the observance by them of any provisions of the recited Act or of this Act or be bound to see to the application or be answerable for any loss or misapplication of the money lent or of any part thereof.

Byelaws how to be made.

10 & 11 Vict. c. 34.

50. Any byelaws which the Commissioners are by this Act authorised to make shall be subject to the provisions of the Towns Improvement Clauses Act 1847 incorporated in the recited Act with respect to byelaws and shall be subject to confirmation by the Local Government Board and the provisions of the Public Health (Ireland) Act 1878 with respect to byelaws shall apply in all respects to the byelaws to be made under the powers of this Act.

Proof of byelaws.

51. A printed or written copy of any byelaws made by the Commissioners under this Act and purporting to be confirmed by the Local Government Board shall be evidence of the existence and of the due making and allowance of such byelaws in all prosecutions under the same without proof of the due publication thereof.

Fines may be imposed.

52. It shall be lawful for the Commissioners on the making of any byelaws for the purposes of this Act to fix a pecuniary penalty for the breach thereof not exceeding for every offence the sum specially fixed as the maximum penalty by this Act for such offence and not exceeding in cases where no maximum penalty is fixed by this Act the sum of five pounds.

Byelaws by Commissioners to be so framed that penalties may be mitigated.

53. All the byelaws to be made by the Commissioners under this Act shall be so framed as to allow the justice before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid if such justice shall think fit.

Custom house officers exempt from rates.

54. Officers of Customs being in the execution of their duty shall at all times have free ingress passage and egress to or along and from the harbour works or pier by land and with their vessels and otherwise without payment.

Harbour and pier not exempt from provisions of present and future general Acts.

55. Nothing in this Act contained shall be deemed or construed to exempt the harbour and harbour works and pier by this Act authorised or the Commissioners from the provisions of any general Act relating to harbours piers or dues on shipping or on goods carried in ships now in force, or which may hereafter pass during

this or any future session of Parliament, or from any future revision or alteration under the authority of Parliament of the rates by this Act authorised. A.D. 1881.

Saving clause for the Alliance and Dublin Consumers Gas Company.

56. Except only as by this Act otherwise expressly provided nothing contained in this Act shall diminish alter prejudice contradict or take away any estates rights interests powers privileges or remedies vested in or possessed or acquired by the Alliance and Dublin Consumers Gas Company under their special Acts or otherwise howsoever within the township.

Saving rights of the Crown in the foreshore.

57. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs and successors.

Saving rights of Lords Meath and Brabazon.

58. Save as in this Act otherwise expressly provided nothing contained in this Act shall be deemed to divest alter or affect any estate right title or interest of Lord Meath or of the said Lord Brabazon in to or over the shore of the sea between high and low water marks.

Saving rights to mines, &c.

29 & 30 Vict. c. 62.

59. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty twenty-one and twenty-two of the Crown Lands Act 1866 or shall divest alter or affect any other estate right or interest belonging to the Queen's most Excellent Majesty her heirs or successors.

Expenses of Act.

60. All the costs charges and expenses of and incidental to the obtaining and passing this Act shall be paid by the Commissioners out of any of their funds.

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SCHEDULES.

THE FIRST SCHEDULE.

(PIER RATES.)

I. Rates on Vessels.

	s.	d.
For every vessel under the burden of 15 tons per ton - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton -	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton	0	10
For every vessel of the burden of 150 tons and upwards per ton -	1	0
All lighters for each trip per ton - - - - -	0	2
All boats entirely open landing or taking on board goods each - -	0	6

II. Rates on Passengers and Promenaders.

For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel packet or passage boat for each time any sum not exceeding - - -	0	6
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - -	0	4
For every bath or sedan chair taken on the pier for each time any sum not exceeding - - - - - -	0	6
For every perambulator taken on the pier for each time any sum not exceeding - - - - - - -	0	2
For every master of any vessel boat or wherry being an inhabitant of the parish of Bray and using the said pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - -	20	0

III. Rates on Passengers Luggage.

For every trunk portmanteau box parcel or other package within the description of luggage not exceeding 28 lbs - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - -	0	8
And for every cwt. beyond - - - - - -	0	4
And for every 20 lbs. weight in addition - - -	0	1

THE SECOND SCHEDULE.

PLACES OUTSIDE OF THE TOWNSHIP TO AND FROM WHICH THE COMMISSIONERS MAY FIX HACKNEY CARRIAGE FARES WHERE THE HIRING TAKES PLACE WITHIN THE TOWNSHIP.

Vartry Reservoir
Roundwood
Seven Churches or Glendalough
Luggelaw
Lough Dan
Lough Bray
Devil's Glen
Dunran
Ashford
Newrath Bridge.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.