ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LXXXV.

An Act to amend an Act for the Regulation of Municipal Corporations in *Ireland*, so far as relates to the Borough of *Dublin*.

[1st *August* 1849.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland: And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty's Reign, for the Amendment of the said first-recited Act: And whereas it is expedient to alter the Qualification of Burgesses of the Borough of *Dublin* under the said first-recited Act, and to assimilate the same to the Qualification of Burgesses of Boroughs in *England* and *Scotland*, and for such Purpose, and for other Purposes herein-after mentioned, to amend the Provisions of the said first-recited Act, as far only as regards the said Borough of *Dublin*: 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 Expiration of the present Year, as far as regards the said Borough of *Dublin*, the

3 & 4 Vict. c. 108.

6 & 7 Vict. c. 93.

After present Year Provisions of first-

recited Act as to Qualification of Burgesses in Borough of Dublin repealed.

the Provisions in the said first-recited Act contained relating to the Qualification of Burgesses shall be and the same are hereby repealed, except as to any Burgess Roll theretofore formed or Election made under the Provisions of the said Act for or relating to the said Borough.

After the present Year no Burgesses to be enrolled for the Borough of Dublin who are not qualified under this Act.

II. And be it enacted, That from and after the Expiration of the present Year no Person shall be enrolled a Burgess of the said Borough of *Dublin* for the Purpose of enjoying the Rights conferred for the first Time by the said recited Acts or either of them, or this Act, in respect of any Title, other than by Occupancy and Payment of Rates within such Borough according to the Meaning and Provisions of this Act.

Qualification of Burgesses.

III. And be it enacted, That from and after the Expiration of the present Year, in the Borough of *Dublin*, every Male Person of full Age who on the last Day of *August* in any Year shall have occupied any House, Warehouse, Counting-house, or Shop within such Borough of *Dublin* during that Year and the whole of each of the Two preceding Years, and also during the Time of such Occupation shall have been an inhabitant Householder within the said Borough, or within Seven Statute Miles of the said Borough of *Dublin*, shall, if duly enrolled in that Year according to the Provisions of the said recited Acts, be a Burgess of such Borough, and Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough: Provided always, that no such Person shall be so enrolled in any Year from and after the present Year unless he shall have been rated in respect of such Premises so occupied by him within the said Borough to all Rates made for the Relief of the Poor of the Electoral Division or Union wherein such Premises are situated during the Time of his Occupation as aforesaid, and unless he shall have paid on or before the last Day of *August* as aforesaid all such of the Rates, Cesses, and Taxes specified in the Schedule to this Act annexed as shall have become payable by him (if any) in respect of the said Premises, except such as shall become payable within Six Calendar Months next before the said last Day of *August*: Provided also, that the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same Premises or in the same Parish, but may be different Premises in the same Parish or in different Parishes: Provided also, that any Person who shall be enrolled as a Burgess upon the Burgess Roll of the said Borough of *Dublin* at the Time of the passing of this Act shall, for the Purposes of this Act, without further Proof, be deemed to have been duly rated to the Relief of the Poor in respect of Premises within such Borough for the Space of Twelve Calendar Months next preceding the last Day of *August* in the Year One thousand eight

eight hundred and forty-eight, and to have duly paid all such Rates, and to have been otherwise duly qualified and entitled under the Provisions of the said first-recited Act to be enrolled as a Burgess at the Time of the last Revision of such Burgess Roll preceding the passing of this Act: Provided also, that no Person being an Alien shall be so enrolled or vote in any Year, and that no Person shall be so enrolled or vote in any Year who within Twelve Calendar Months next before the said last Day of *August* shall have received Relief under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, or any Pension or charitable Allowance from any Fund intrusted to the Charitable Trustees of such Borough: Provided also, that in every Case provided in this Act the Distance of Seven Statute Miles shall be computed by the nearest public Road or Way by Land or Water.

Aliens, and Persons who have received Poor Law Relief, not to be enrolled.

IV. And be it enacted, That no Medical or Surgical Assistance given by the Charitable Trustees of the said Borough shall be taken to be such charitable Allowance as shall disqualify any Person from being enrolled a Burgess, nor shall any Person be so disqualified by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Medical Assistance or Instruction in endowed Schools not to be a Cause of Disqualification.

V. And be it enacted, That in the said Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, and actually paying or tendering to the Collector thereof, or to the Person or Persons entitled to receive the same, the full Amount of the last made Rate then payable in respect of such Premises, the Guardians or other Persons charged with making any Rate for the Relief of the destitute Poor which shall or ought to include such Premises are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case any such Guardians or other Persons shall neglect or refuse so to do, such Occupier shall nevertheless for the Purposes of the said recited Acts and this Act be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but, in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make default in the Payment

Occupiers may claim to be rated.

Payment of the Poor's Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Misnomers, &c. in Rate Book not to invalidate Right to be enrolled.

VI. And in order to provide against any Person being prevented from being enrolled as a Burgess by reason of any Misnomer or inaccurate or insufficient Description in a Rate of the Person occupying any such Premises as herein-before mentioned, or by reason of any inaccurate Description of the Premises so occupied, be it therefore declared and enacted, That where any Person shall have occupied such Premises as in this Act are mentioned for the Time herein-before mentioned next previous to the last Day of *August* in any Year, being the Person liable to be rated for such Premises, shall have been *bonâ fide* called upon in respect to such Premises to pay, and shall have *bonâ fide* paid on or before the last Day of *August* in such Year, all Rates for the Relief of the Poor made in respect of such Premises which he would be required to pay in order to be enrolled as a Burgess for the Borough of *Dublin* if he had been named in such Rate as the Occupier of such Premises, such Person shall be considered as having been rated to the Relief of the Poor and paid all such Rates in respect of such Premises within the Meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a Burgess of the said Borough in respect of such Premises in any Year, any Misnomer or insufficient Description in any Rate of the Person so occupying, or of the Premises occupied, notwithstanding.

In case of Title by Descent, &c., how Occupation is to be reckoned.

VII. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in the said Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him as his own Occupancy and Rating conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive Occupancy and Rating, provided he shall be otherwise qualified as herein provided.

From 1st Jan. 1850 present Division of Dublin into Wards to cease.

VIII. And whereas the present Division of the Borough of *Dublin* into Wards has been found to be unequal and unsatisfactory: Be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty the present Division of the said Borough of *Dublin* into Wards shall cease and determine.

Dublin to be re-divided into Wards.

IX. And be it enacted, That within Three Weeks from and after the passing of this Act the Lord Lieutenant or other Chief Governor

or

or Governors of *Ireland* shall appoint Two Persons, One being a Barrister at Law of not less than Six Years standing at the Bar, for the Purpose of dividing anew the said Borough of *Dublin* into Wards; and it shall be lawful for such Persons so appointed and they are hereby required, on or before the First Day of *January* in the Year One thousand eight hundred and fifty, to divide anew the said Borough of *Dublin* into Fifteen Wards, and to determine and set out anew the Extent, Limits, and Boundary Lines of the said Wards of the said Borough, and what Portions of the said Borough shall be included therein respectively; and in making such Division, and determining the Extent and Limits and Boundary Lines of each such Ward, the said Persons so appointed shall have regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated; and a Copy of the Particulars of such new Division of Wards shall be forthwith transmitted to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and if the said Lord Lieutenant or other Chief Governor or Governors, by and with the Advice of the Privy Council of *Ireland*, shall approve such Determination and Division, the same shall be published in the *Dublin Gazette;* and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough of *Dublin*, to be by him safely kept among the public Documents of the said Borough; and the said Borough shall after such Publication as aforesaid be deemed to be divided into such Fifteen Wards as shall be so determined and set out as aforesaid; and such Division shall continue and be in force until the same shall be altered by the Authority of Parliament: Provided always, that if the said Lord Lieutenant or other Chief Governor or Governors, by the Advice of the said Privy Council, shall not approve such Determination and Division, such Publication as aforesaid shall nevertheless be made, and such Division shall be in force for the Purpose of any Election under the Provisions of the said recited Acts and this Act, and until such Time as the said Lord Lieutenant or other Chief Governor or Governors shall, by the Advice of the said Privy Council, upon further Information and Report from the said Persons so appointed, definitively approve the Division of the said Borough into Wards in manner herein-before mentioned; and such Wards shall be deemed and construed to be Wards within the Meaning of the said first-recited Act; and for each Ward of the said Borough there shall be One Alderman and Three Councillors.

Town Clerk to prepare a Book containing the Names of Persons entitled to be

X. And be it enacted, That on or before the Eighth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, the Town Clerk of the said Borough of *Dublin* shall, in a Book or Books to be by him provided for that Purpose,

Burgesses in the said Borough.

Purpose, enter the Names of all Persons who shall appear to be entitled to be enrolled as Burgesses of such Borough in the Burgess Roll then next to be made, in right of Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of this Act, with the Premises in respect whereof they may be so entitled, in the Manner and subject to the Provisions in the said secondly-recited Act contained relating to the Book or Books thereby directed to be prepared by the Town Clerk; and the several Provisions of the said secondly-recited Act as to the Proceedings to be taken as to such Book or Books, and the Attendance of Collectors of Rates, Cesses, or Taxes, or of other Officers relating thereto, and as to any Penalties for Nonattendance, and as to the Notices to be given concerning such Book or Books, and as to Inspection thereof or Copies or Extracts therefrom, or other Matters relating thereto, shall extend and apply for the Purposes of this Act, save and except so far as the said Provisions may relate to any Rates, Cesses, or Taxes not included in the Schedule to this Act annexed, or the Collectors thereof, which last-mentioned Collectors shall not be required to attend for the Purposes of preparing such Book or Books.

Town Clerks to make out Lists in every Year of Persons qualified as Burgesses in the said Borough.

XI. And be it enacted, That on or before the Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, in the said Borough of *Dublin*, the Town Clerk of such Borough shall make out, from the Assessment to be made of Hereditaments within such Borough under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, alphabetical Lists, according to the Form Number 1. in the Schedule (D.) to the said first-recited Act annexed, or to the like Effect, of all Persons, with their respective Residences, who shall be entitled to be enrolled in the Burgess Roll of that Year for the said Borough, according to the Provisions of this Act, in respect of Property within each Ward of such Borough, excluding nevertheless from such Lists the Name of every Person who shall not appear by the Entries made in the Book or Books herein-before mentioned to have paid all Rates, Cesses, or Taxes by this Act required to be paid in order to qualify such Person to be or to be enrolled as a Burgess of such Borough, and shall sign such Lists, and shall on the said Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, deliver a true Copy of such Lists, signed by himself, to the Lord Mayor of such Borough, and shall himself keep such original Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Twentieth and the Thirtieth Days of *September* in every such Year.

Provisions of recited Acts to apply to

XII. And be it enacted, That the Provisions of the said recited Acts or either of them relating to the Lists of Persons qualified as Burgesses,

Burgesses, and to Claims and Objections relating to the same, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively, so far as the same are applicable, and subject to the Variations made by this Act, shall be extended and applied to the Lists of Persons qualified as Burgesses of the said Borough of *Dublin* under this Act, and the Qualification hereby provided, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively under the said Acts and this Act; and the Provisions of the said first-recited Act relating to the providing for or defraying the Expenses of putting the said first-recited Act into execution shall, in like Manner, be applied to the providing for or defraying the Expenses of putting this Act into execution in the said Borough of *Dublin*.

the Formation of the Burgess Roll;

also Provisions of first-recited Act for defraying Expenses of this Act.

XIII. Provided always, and be it enacted, That the Court for the first Revision of such Lists under this Act of Persons entitled to be Burgesses shall be a like Court, and appointed in the like Manner, with the like Powers, and subject to the like Regulations, as the Court by the said first-recited Act provided for the Revision of the like Lists under the said Act in the first Year in which the said first-recited Act came into operation in the said Borough of *Dublin*.

Court for first Revision of Lists.

XIV. And for the Purpose of having an entire new Election of Aldermen and Councillors of the Borough of *Dublin*, be it enacted, That on the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty all the Councillors of and in every Ward of the Borough of *Dublin* then in Office shall go out of Office, and all and every the Aldermen for each and every Ward of the said Borough then in Office shall continue in Office during the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, for the Purpose of holding and presiding at the Elections of Aldermen and Councillors in the several Wards of the said Borough to be held on the said Day, as herein-after mentioned, and thenceforth until the Names of the Persons so elected shall be published as in the said first-recited Act directed, not being later than Two of the Clock of the Afternoon of the Day next but One following the Day of such Election; subject nevertheless to the Power and Provision for the Re-election of any Alderman or Councillor in the said first-recited Act contained.

All the Aldermen and Councillors of the Borough of Dublin to go out of Office in November 1850.

XV. And be it enacted, That on the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty the Burgesses in every Ward of the Borough of *Dublin* shall elect from among the Persons qualified to be Councillors of such Borough Four Persons,

Election of Aldermen and Councillors of Dublin in this Year.

Persons, being the entire Number of Aldermen and Councillors to be elected in each such Ward; and such One of the Persons so elected in each such Ward who shall have the greatest Number of Votes shall be the Alderman of the said Ward, and the remaining Three Persons so elected shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be an Alderman, or where there shall be no Contest, the Majority of the whole Council shall determine which of such Persons having an equal Number of Votes shall be the Alderman.

One Third Part of the Councillors in Dublin to go out of Office annually.

XVI. And be it enacted, That upon the Twenty-fifth Day of *November* in every Year after the Year One thousand eight hundred and fifty One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Ward of the said Borough of *Dublin* shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors; and those who shall so first go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Number of Votes at the First Election; and in the next Year those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Number of Votes at the First Election, the Majority of the whole Council always determining when the Votes for any such Persons shall have been equal, or when there shall have been no Contest, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified as in the said first-recited Act provided.

Aldermen of Dublin, how to go out of Office every Third Year.

XVII. And be it enacted, That in the said Borough of *Dublin* on the Twenty-fifth Day of *November* in each Third subsequent Year after the Year One thousand eight hundred and fifty such and such Number of Aldermen of the said Borough shall go out of Office, and such Number of Aldermen shall be elected to supply the Vacancies thereby created, in such Manner and subject to like Provisions relating to the same, and to the Re-election of any Alderman, as in the said first-recited Act contained as to the Aldermen of the said Borough of *Dublin*.

The Lord Mayor in Office in Nov. 1850 to remain in Office until 1st Jan. 1851.

XVIII. And be it enacted, That the Lord Mayor of *Dublin* who may be in Office in *November* One thousand eight hundred and fifty shall continue in such Office until the First Day of *January* One thousand eight hundred and fifty-one.

XIX. And

Present Officers to continue under new Council as if re-appointed by them.

XIX. And be it enacted, That the several Officers appointed by the Town Council of the Borough of *Dublin* at any Time before the passing of this Act shall continue to hold their respective Offices under the Town Council to be elected under the Provisions of this Act, in the like Manner, with the like Tenure of Office, and subject to the like Conditions, as if this Act had not been passed.

Recited Acts and this Act shall be construed together.

XX. And be it enacted, That the said recited Acts of the Third and Fourth Years and of the Sixth and Seventh Years of the Reign of Her present Majesty, and all Clauses, Matters, and Things respectively contained therein and now in force, (save and except such Parts thereof as are by this Act varied, altered, or repealed,) shall, so far as regards the said Borough of *Dublin*, be and continue in full Force and Effect, and shall be applied to this Act and the Matters therein contained, so far as the same may be applicable, and that the said recited Acts and this Act shall be construed together as One Act, and that the Provision made by the said first-recited Act for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act.

Liability to Borough Rate not to be a Ground of Objection to any Juror, Grand Juror, or Sheriff, or Justice acting as herein.

XXI. And be it enacted, That no Person, by reason of being liable to the Rate contributing to the Borough Fund of the said Borough of *Dublin*, shall be deemed exempt or disqualified from acting as a Juror or Grand Juror, or as a Sheriff for the returning or impannelling of a Jury or Grand Jury in or for the Trial of any Person for any Offence against any Law or Statute, by reason of any Penalty or Forfeiture for or in consequence of such Offence being applicable to the Use of the Borough Fund of the said Borough of *Dublin*, or in or for the Trial of any Case relating to any Matter or Thing that may be applicable to the Use of such Borough Fund, or relating to any Matter or Thing whereby or by reason whereof any Property may be or become applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled to act in the Execution of the said recited Acts or this Act, or in the Execution of any other Act, by reason of his being liable to the Rate contributing to the Borough Fund of the said Borough; and no Member of the Town Council for the Time being of the said Borough of *Dublin*, by reason of his being a Member of the Town Council, nor any Justice assigned to keep the Peace therein, by reason of his being such Justice, shall be exempt or disqualified from serving on any Jury summoned within the said Borough.

3 & 4 Vict. c. 109.

XXII. And whereas by an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties;*

Counties; to make further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in Ireland, it is, amongst other things, enacted, that for the Purposes of the therein-before and herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty, and of the said Act now in recital, all Places locally situate or included within the Boundaries of any of the said Boroughs therein mentioned, or any Ward thereof, as defined under the said last-mentioned Act, shall, from and after the Time when the said Act now in recital should come into operation as therein-after mentioned, be deemed and taken to be Part or Parts of the County of the City or County of the Town of such Borough respectively, or of such Ward thereof respectively, and of no other County: And whereas Doubts have arisen whether, upon the true Construction of the said Acts, all such Places so locally situate or included within the Boundaries of the said Borough of *Dublin* as defined under the said Act for the Regulation of Municipal Corporations in *Ireland*, are to be deemed and taken to be Part or Parts of the County of the City of such Borough for all Purposes of Civil and Criminal Jurisdiction and other Purposes: Be it therefore declared and enacted, That upon the true Construction of the said Acts in this Provision mentioned all such Places locally situate or included within the Boundaries of the said Borough as defined under the said recited Act for the Regulation of Municipal Corporations in *Ireland*, now are and shall be deemed and taken to be Part or Parts of the County of the City of such Borough, and of no other, for all Purposes of Criminal Jurisdiction and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, and for all other Purposes whatsoever: Provided always, that nothing herein contained shall alter or affect the County of *Dublin*, or the County of the City of *Dublin*, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereto; and that where it shall be necessary for any Purpose of such Representation to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within the County of *Dublin* or the County of the City of *Dublin*, such Residence, Premises, or Place may be described as within the Parliamentary Boundaries of the County of *Dublin* or the County of the City of *Dublin* respectively.

3 & 4 Vict. c. 108.

Places within the Boundaries of Borough of Dublin to be Part of the County of the City;

but Parliamentary Boundaries not to be affected.

Act may be amended, &c.

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

SCHE-

SCHEDULE to which the foregoing Act refers.

Rates, Cesses, or Taxes.

1. For Paving and Lighting.
2. For watering the Streets.
3. Wide Street Tax, or any Rate for widening or improving the Streets, or any Improvement Rate that may by any Act or Acts be substituted for the Three Taxes or Rates herein-before mentioned or any of them.
4. Grand Jury Cess, or any Cess, Applotment, or Rate raised or levied for fiscal Purposes of a like Nature within the Borough of Dublin.
5. Police Tax or Rate.
6. Borough Rate.
7. Poor Rates.

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