CHAPTER ccxlvi.

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An Act to amend the Dublin Improvement Acts 1849 to 1864 and to make further and better provisions in relation to Buildings Streets Sanitary Matters and Collection of Rates in the City of Dublin and for other purposes.

[18th August 1890.]

WHEREAS by the Dublin Improvement Act 1849 certain powers were vested in the Right Honourable the Lord Mayor aldermen and burgesses of Dublin (herein-after called "the Corporation") for the improvement and regulation of the city of Dublin (herein-after called "the city"): 12 & 13 Vict. c. xcvii.

And whereas that Act has been amended and further powers for the like purposes have been conferred on the Corporation by the Dublin Improvement Act Amendment Act 1861 and by the Dublin Improvement Acts Amendment Act 1864: 24 & 25 Vict. c. xxvi. 27 & 28 Vict. c. cccv.

And whereas some of the provisions of the above-mentioned Acts require amendment and it has become expedient to confer on the Corporation further and enlarged powers for the regulation of buildings and streets and for dealing with neglected structures and generally for improving the sanitary condition of the city:

And whereas further powers are required by the Corporation for the protection of the public against fire at theatres and other places of public resort:

And whereas the Corporation has undertaken the removal of house refuse from premises in the city and the cleansing of privies ashpits and dustbins and it is expedient to authorise the Corporation to make byelaws in reference thereto:

And whereas it is expedient to empower the Corporation to make byelaws for regulating the conveyance of meat in public thoroughfares and its exposure for sale and for the registration of itinerant vendors of certain articles and also to provide in case of sale of unsound food for more effectual prosecution of offenders:

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And whereas it is expedient that a separate department should be formed in the office of the collector general of rates for the supervision of the applotting and levying all municipal rates and that the power of collecting such rates should be vested in and exercised by the Corporation:

And whereas it would tend to economy and convenience if the Corporation were empowered to levy a single consolidated rate for all municipal and sanitary purposes within the city and it is expedient that in other respects the law of rating now in force in the city be amended:

And whereas it is expedient to authorise the Corporation to make byelaws for the regulation of overhead wires:

And whereas it is expedient to authorise the Corporation to take tolls in respect of cattle hay and straw exposed for sale in Smithfield Market and to extend its limits and to provide that the Corporation abattoir situate in the parish of Grangegorman in the county of Dublin shall be deemed for all purposes to be within the municipal boundaries of the city:

And whereas it is just and reasonable that the Corporation be relieved from any obligation to contribute towards the maintenance of the road from MacCartney's Bridge to the Cross of Blackrock in the county of Dublin and that the obligation be undertaken by the local authorities within whose jurisdiction that road is situate:

And whereas it is expedient to make such other provisions as this Act contains:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-ninth day of October one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Freeman's Journal a local newspaper published or circulated in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the council should promote the Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the borough fund and borough rate the improvement fund and improvement rate and other funds and rates of the borough under the control of the council:

And whereas such resolution was published in the said Freeman's Journal and has received in respect of matters within the jurisdiction of the Local Government Board for Ireland the approval of that Board and in respect of other matters the approval of the Chief Secretary to the Lord Lieutenant of Ireland:

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And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the thirteenth day of February one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the propriety of the promotion of the Bill for this Act was approved by a special resolution of the persons qualified to vote at an election of members of the council passed at a meeting summoned and held in conformity with the provisions of section 7 of the Borough Funds (Ireland) Act 1888: 51 & 52 Vict. c. 53.

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):—

Part I.—Preliminary.

Short title and commencement.

1. This Act may be cited as the Dublin Corporation Act 1890 and shall commence and take effect on the third Monday after the passing thereof.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Buildings and streets.
Part III.—Sanitary matters.
Part IV.—Rates.
Part V.—Overhead wires.
Part VI.—Markets and abattoir.
Part VII.—Blackrock Road.
Part VIII.—Miscellaneous.

Limits of Act.

3. The limits of this Act shall be the municipal boundaries of the city of Dublin save as otherwise in this Act provided.

Council to execute Act.

4. This Act shall be carried into execution by the Corporation acting by the council.

Interpretation.

5. In this Act unless it is otherwise expressed or the context otherwise requires—

"The Municipal Corporations Act" means the Act passed in the year 1840 "for the regulation of municipal corporations in Ireland" (3 & 4 Vict. c. 108) and includes all Acts for the time being in force amending the same:

"The Public Health Act" means the Public Health (Ireland) Act 1878 (41 & 42 Vict. c. 52) and includes all Acts for the time being in force amending the same:

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"The Collection of Rates Act 1849" means the Act passed in the year 1849 "to provide for the collection of rates in the city of Dublin" (12 & 13 Vict. c. 91):

"Justice" means any one of the divisional justices of the Dublin metropolitan police district:

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof:

"The council" means the municipal council of the city:

"Surveyor" means the borough or city surveyor:

"Municipal rates" means and includes the borough rate leviable under the Municipal Corporations Act and the improvement rate and district sewer rate and the grand jury rate leviable under the Dublin Improvement Act 1849 and the public water rate the contract water rate the domestic water rate leviable under the Dublin Corporation Waterworks Act 1861 and the Acts amending the same and the vestry cess abolition rate:

"Lands" "premises" "owner" "street" "house" "drain" and "sewer" have the meanings assigned to them respectively by the Public Health Act:

"Quarter sessions" means quarter sessions of the city of Dublin.

Part II.—Buildings and Streets.

(i) *Neglected and Dangerous Structures.*

Definition of "owner" and "party structure."

6. In the provisions of this part of this Act relating to neglected and dangerous structures and to party structures the term "owner" means the person in possession or in receipt either of the whole or of any part of the rents or profits of any lands or tenement or in the occupation of such lands or tenement otherwise than as a tenant from year to year or for any less term or as a tenant at will And the term "party structure" includes party walls and also partitions arches floors and other structures separating buildings storeys or rooms which belong to different owners or which are approached by distinct staircases or separate entrances from without.

Dilapidated and neglected buildings.

7. (1) Where a building or structure is so far dilapidated as to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood the Corporation may make complaint thereof to a justice who shall thereupon issue a summons requiring the owner and occupier of the building or structure (herein-after referred to as a "neglected structure") to appear at a time and place to be stated in the summons to answer the complaint:

(2) If the complaint is proved to the satisfaction of the justice before whom the same is heard he may if he sees good cause order

the owner or on his default the occupier to take down or repair or rebuild the neglected structure or any part thereof or to fence in the ground on which the same stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for costs incurred up to the time of hearing :

(3) If the order is not obeyed the Corporation may with all convenient speed enter the neglected structure or such ground as aforesaid and execute the order :

(4) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials and (unless the expenses of the Corporation under this section in relation to such structure be paid to them within fourteen days after such removal) sell the same as they think fit :

(5) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of such sale and the balance (if any) shall be paid by the Corporation on demand to the person entitled thereto and in case such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Corporation as aforesaid the Corporation may recover such expenses or such insufficiency from the owner of the neglected structure together with all costs and expenses in respect thereof either by action in any court of competent jurisdiction or in like manner as if the same were a penalty imposed by this Act but without prejudice to any right of the owner to recover the same from any lessee or other person liable to the expenses of repair :

(6) Nothing in this section shall affect any premises not used or intended to be used for human habitation except so much as shall form the frontage line of any street or compel the owner or occupier thereof to rebuild the same so long as the same are securely fenced in so as not to be prejudicial to the property in or the inhabitants of the neighbourhood.

Provision for better securing payment to Corporation of expenses incurred in respect of neglected or dangerous structures.

8. (1) Whenever under the provisions of this Act with respect to neglected structures or under the provisions of the Towns Improvement Clauses Act 1847 with respect to ruinous or dangerous buildings (in this Act referred to as "dangerous structures") which are incorporated with the Dublin Improvement Act 1849 the Corporation have incurred any expenses in respect of any neglected structure or any dangerous structure and have not been paid or

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have not recovered the same the Corporation may after giving notice of their intention to do so in manner herein-after mentioned to the owner of such neglected or dangerous structure apply to a justice at the time and place named in such notice for an order fixing the amount of such expenses and the costs of such application and directing that no part of the land on which such neglected or dangerous structure stands or stood shall be built upon or that no part of such neglected structure if repaired or rebuilt shall be let for occupation until after payment to the Corporation of the amount of such expenses and costs as fixed by such order :

(2) The justice on proof of such expenses having been incurred by the Corporation and after hearing the parties appearing before him may make such order as aforesaid and thereupon and until payment to the Corporation of the amount fixed by such order no part of such land shall be built upon or no part of such neglected structure so repaired or rebuilt shall be let for occupation as the order may in each case direct :

(3) Every such order shall be signed in duplicate by such justice and the order shall be retained by the officer of the court in which such justice made the same and the duplicate of such order shall be kept at the offices of the Corporation :

(4) The Corporation shall keep at their offices a register of all orders from time to time made under this section and shall keep the same open for inspection by all persons at all reasonable times and any such order not entered in such register within ten days after the making of the same shall cease to be of any force or effect.

Application of surplus proceeds of sale where no demand made for it.

9. Where under the powers of this Act any surplus is made payable to any owner and no demand for payment thereof is made by any person entitled thereto within one year the surplus shall be paid into the Bank of Ireland in the name and with the privity of the Accountant General of the Supreme Court to be placed to his account there to the credit of the owner (describing him so far as the Corporation can) subject to the control of the Court and to be paid out to the owner on application and proof of title thereto.

Justice may cause inmates to be removed from neglected or dangerous structures.

10. (1) Where a structure has been certified by the surveyor to be a neglected structure or a dangerous structure within the meaning of this Act the lord mayor or any justice may by order under his hand direct the inmates or any of them to be removed therefrom by a constable or other peace officer and if they have no other abode he may require them to be received into the workhouse established for the reception of the poor of the place in which the structure is situate :

Provided that when any person shall have been admitted into the workhouse in pursuance of any such order the person so admitted shall be brought before the board of guardians of the union at their next meeting who shall inquire into the case and decide on the propriety of such person continuing in the workhouse and make an order accordingly :

(2) In the case of a dangerous structure the surveyor may apply to the lord mayor or to any justice for a like order with respect to the inmates either of such structure or of any adjoining structure and the lord mayor or such justice may if satisfied that danger exists or is likely to exist to any of such inmates make the order accordingly :

(3) Any person who disobeys by re-entry or otherwise or resists or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(ii) *Party Structures.*

Definition of building owner and adjoining owner.

11. In the construction of the following provisions relating to party structures such one of the owners of the premises separated by or adjoining to any party structure as is desirous of executing any work in respect to such party structure shall be called the building owner and the owner of the other premises shall be called the adjoining owner.

Rights of building owner.

12. The building owner shall have the following rights in relation to party structures (that is to say) :—

(1) A right to make good or repair any party structure that is defective or out of repair :

(2) A right to pull down and rebuild any party structure that is so far defective or out of repair as to make it necessary or desirable to pull down the same :

(3) A right to pull down any timber or other partition that divides any buildings and is not conformable with the enactments or byelaws from time to time in force in the city with respect to buildings and to build instead a party wall conformable thereto :

(4) In the case of buildings having rooms or storeys the property of different owners intermixed a right to pull down such of the said rooms or storeys or any part thereof as are not built in conformity with such enactments or byelaws and to rebuild the same in conformity therewith :

(5) In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons a right to pull down such of the said buildings arches

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or communications or any part thereof as are not built in conformity with such enactments or byelaws and to rebuild the same in conformity therewith:

(6) A right to raise any party structure permitted by such enactments or byelaws to be raised or any external wall built against such party structure upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party structure or external wall:

(7) A right to pull down any party structure that is of insufficient strength for any building intended to be built and to rebuild the same of sufficient strength for the above purpose upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof:

(8) A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation:

(9) A right to cut away any footing or any chimney breasts jambs or flues projecting from any party wall in order to erect an external wall against such party wall or for any other purpose upon condition of making good all damage occasioned to the adjoining premises by such operation:

(10) A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging the ground of the building owner in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down:

(11) A right to perform any other necessary works incident to the connexion of a party structure with the premises adjoining thereto:

But the above rights shall be subject to this qualification that any building which has been erected before the commencement of this Act shall be deemed to be conformable with the provisions of this Act if it is conformable with the provisions of the enactments and byelaws in force in the city at the commencement of this Act.

Rights of adjoining owner.

13. Whenever the building owner proposes to exercise any of the foregoing rights with respect to party structures the adjoining owner may require the building owner to build on any such party structure certain chimney jambs breasts or flues or certain piers or

recesses or any other like works for the convenience of such adjoining owner and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right and any difference that arises between any building owner and adjoining owner in respect of the execution of such works as aforesaid shall be determined in manner in which differences between building owners and adjoining owners are herein-after directed to be determined.

Rules as to exercise of rights by building and adjoining owners.

14. The following rules shall be observed with respect to the exercise by building owners and adjoining owners of their respective rights :—

(1) No building owner shall except with the consent of the adjoining owner or in cases where any party structure is dangerous in which cases the provisions hereby made as to dangerous structures shall apply exercise any right hereby given in respect of any party structure unless he has given at the least three months previous notice to the adjoining owner by delivering the same to him personally or by sending it by post in a registered letter addressed to such owner at his last known place of abode :

(2) The notice so given shall be in writing or printed and shall state the nature of the proposed work and the time at which such work is proposed to be commenced :

(3) No building owner shall exercise any right hereby given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner :

(4) Upon the receipt of such notice the adjoining owner may require the building owner to build or may himself build on any such party structure any works to the construction of which he is herein-before mentioned to be entitled :

(5) Any requisition so made by an adjoining owner shall be in writing or printed and shall be delivered personally to the building owner within one month after the date of the notice being given by him or be sent by post in a registered letter addressed to him at his last known place of residence It shall specify the works required by the adjoining owner for his convenience and shall if necessary be accompanied with explanatory plans and drawings :

(6) If either owner does not within fourteen days after the delivery to him of any notice or requisition express his consent thereto he shall be considered as having dissented therefrom

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and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner:

(7) In all cases not hereby specially provided for where a difference arises between a building owner and adjoining owner in respect of any matter arising under this Act unless both parties concur in the appointment of one architect they shall each appoint an architect and the two architects so appointed shall select a third architect and such one architect or three architects or any two of them shall settle any matter in dispute between such building and adjoining owners with power by his or their award to determine the right to do and the time and manner of doing any work and generally any other matter arising out of or incidental to such difference but any time so appointed for doing any work shall not commence until after the expiration of such period of three months as is herein-before mentioned:

(8) Any award given by such one architect or by such three architects or any two of them shall be conclusive and shall not be questioned in any court with this exception that either of the parties to the difference may appeal therefrom to the next practicable court of quarter sessions for the city within fourteen days from the date of the delivery of any such award as aforesaid and such court may subject as herein-after mentioned rescind or modify the award so given in such manner as it thinks just:

(9) If either party to the difference makes default in appointing an architect for ten days after notice has been given to him by the other party in manner aforesaid to make such appointment the party giving the notice may make the appointment in the place of the party so making default:

(10) The costs incurred in obtaining any such award as aforesaid shall be paid by such party as such one architect or three architects or any two of them may determine:

(11) If the appellant from any such award as aforesaid on appearing before the court of quarter sessions declares his unwillingness to have the matter decided by such court and proves to the satisfaction of such court that in the event of the matter being decided against him he will be liable to pay a sum exclusive of costs exceeding fifty pounds and gives security to be approved by such court duly to prosecute his appeal and to abide the event thereof all proceedings in the court of quarter sessions shall thereupon be stayed and it shall be lawful for such appellant to bring an action in the High Court against the other party to the difference and such

action shall be prosecuted and tried in the same manner and subject to the same incidents in and subject to which actions are prosecuted and tried in other cases within the jurisdiction of such Court or as near thereto as circumstances admit :

(12) If the parties to any such action agree as to the facts a special case may be stated for the opinion of the High Court and any case so stated may be brought before the Court in like manner and subject to the same incidents in and subject to which other special cases are brought before the High Court or as near thereto as circumstances admit and any costs that may have been incurred in the court of quarter sessions by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action and be payable accordingly.

Power for building owner to make entry on premises to effect works.

15. Whenever any building owner has become entitled in pursuance of this Act to execute any work it shall be lawful for him his servants agents or workmen at all usual times of working to enter on any premises for the purpose of executing and to execute such work removing any furniture or doing any other thing that may be necessary and if such premises are closed he or they may accompanied by a constable or other officer of the peace break open any doors in order to such entry :

Penalty on persons obstructing.

Any owner or other person who hinders or obstructs any workmen employed for any of the purposes aforesaid or wilfully damages or injures the said work shall be liable to a penalty not exceeding ten pounds.

Security to be given by building owner if required by adjoining owner.

16. Any adjoining owner may if he thinks fit by notice in writing given by himself or his agent require the building owner before commencing any work which he may be authorised by this Act to execute to give such security as may be agreed upon or in case of difference may be settled by the judge of the court of quarter sessions for the payment of all such costs and compensation in respect of such work as may be payable by such building owner.

Rules as to expenses in respect of party structures.

17. The following rules shall be observed as to expenses in respect of any party structure (that is to say) :—

As to expenses to be borne jointly by the building owner and adjoining owner :—

(1) If any party structure is defective or out of repair the expense of making good or repairing the same shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes of such structure :

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(2) If any party structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull down the same the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes of such structure:

(3) If any timber or other partition dividing any building is pulled down in exercise of the right herein-before vested in a building owner and a party structure built instead thereof the expense of building such party structure and also of building any additional party structures that may be required by reason of such partition having been pulled down shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes of such party structure and to the thickness required to the respective buildings parted thereby:

(4) If any room or storeys or any part of rooms or storeys the property of different owners and intermixed in any building are pulled down in pursuance of the right herein-before vested in any building owner and rebuilt in conformity with the enactments and byelaws for the time being in force in the city the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes of such rooms or storeys:

(5) If any arches or communications or any parts thereof are pulled down in pursuance of the right herein-before vested in any building owner and rebuilt in conformity with such enactments and byelaws the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes of such arches or communications:

As to expenses to be borne by building owner:—

(6) If any party structure or external wall built against the same is raised in pursuance of the power herein-before vested in any building owner the expense of raising the same and of making good all such damage and of carrying up to the requisite height all such flues and chimneys as are herein-before required to be made good and carried up shall be borne by the building owner:

(7) If any party structure which is of proper materials and sound or not so far defective or out of repair as to make it necessary or desirable to pull down the same is pulled

down and rebuilt by the building owner the expense of pulling down and re-building the same and of making good all such damage as is herein-before required to be made good shall be borne by the building owner:

(8) If any party structure is cut into by the building owner the expense of cutting into the same and of making good any damage herein-before required to be made good shall be borne by such building owner:

(9) If any footing chimney breast jambs or floor is cut away in pursuance of the powers herein-before vested in any building owner the expense of such cutting away and of making good any damage herein-before required to be made good shall be borne by the building owner.

Account of expenses of works to be delivered to adjoining owner within one month.

18. Within one month after the completion of any work which any building owner is by this Act authorised or required to execute and the expense of which is in whole or in part to be borne by an adjoining owner such building owner shall deliver to the adjoining owner an account in writing of the expense of the work specifying any deduction to which such adjoining owner or other person may be entitled in respect of old materials or in other respects and every such work as aforesaid shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality and the market price of materials and labour at the time.

Adjoining owner may appeal against account.

19. At any time within one month after the delivery of such account the adjoining owner if dissatisfied therewith may declare his dissatisfaction to the party delivering the same by notice in writing given by himself or his agent and specifying his objections thereto and upon such notice having been given a difference shall be deemed to have arisen between the parties and such difference shall be determined in manner herein-before provided for the determination of differences between building and adjoining owners.

Building owner may recover if no appeal made.

20. If within such period of one month as aforesaid the party receiving such account does not declare in manner aforesaid his dissatisfaction therewith he shall be deemed to have accepted the same and shall pay the same on demand to the party delivering the account and if he fails to do so the amount so due may be recovered as a debt.

Penalty on delay of payment by adjoining owner.

21. Where the adjoining owner is liable to contribute to the expenses of building any party structure until such contribution is paid the building owner at whose expense the same was built shall stand possessed of the sole property in such structure.

As to expenses incurred on

22. Where any building owner has incurred any expenses on the requisition of an adjoining owner the adjoining owner making

such requisition shall be liable for all such expenses and in default of payment the same may be recovered from him as a debt.

Requisition of adjoining owner.

Penalty on building owner failing to execute required works.

23. Where any building owner is by this part of this Act liable to make good any damage he may occasion to the property of the adjoining owner by any works authorised to be executed by him or to do any other thing upon condition of doing which his right to execute such works is hereby limited to arise and such building owner fails within a reasonable time to make good such damage or to do such thing he shall incur a penalty to be recovered before a justice of the peace not exceeding twenty pounds for each day during which such failure continues.

Consent how given on behalf of persons under disability.

24. Where in pursuance of this Act any consent is required to be given any notice to be served or any other thing to be done by on or to any owner under disability such consent may be given such notice may be served and such thing may be done by on or to the following persons on behalf of such persons under disability (that is to say):—

By on or to a husband on behalf of his wife except in the case of separate property of the wife:

By on or to a trustee on behalf of his cestui que trust:

By on or to a guardian or committee on behalf of an infant idiot or lunatic.

Consent how given on behalf of persons not to be found.

25. When any consent is required to be given or any other thing to be done by any owner in pursuance of this Act if there is no owner capable of giving such consent or of doing such thing and no person empowered by this Act to give such consent or to do such thing on behalf of such owner or if any owner so capable or any person so empowered cannot be found the court of quarter sessions shall have power to give such consent or do or cause to be done such thing on behalf of such owner on such terms and subject to such conditions as he may think fit having regard alike to the nature and purpose of the subject matter in respect of which such consent is to be given and to the fair claims of the parties on whose behalf such consent is to be given and such judge shall have power to dispense with the service of any notice which would otherwise be required to be served.

Payment of expenses by owners.

26. Where it is by this Act declared that expenses are to be borne by the owner of any premises (including in the term "owner" the adjoining and building owner respectively) the following rules shall be observed with respect to the payment of such expenses:—

(1) The owner immediately entitled in possession to such premises or the occupier thereof shall in the first instance pay such

expenses with this limitation that no occupier shall be liable to pay any sum exceeding in amount the rent due from him in respect of such premises during the period of his occupancy:

(2) If there are more owners than one every owner shall be liable to contribute to such expenses in proportion to his interest:

(3) If any difference arises as to the amount of contribution such difference shall be decided by arbitration to be conducted in manner directed by the Public Health Act:

(4) If some of the owners liable to contribution cannot be found the deficiency so arising shall be borne rateably by the parties that can be found:

(5) Any occupier of premises who has paid any expenses under this Act may deduct the amount so paid from any rent payable by him to any owner of the same premises and any owner of premises who has paid more than his due proportion of any expenses may deduct the amount so overpaid from any rent that may be payable by him to any other owner of the same premises:

(6) If default is made by any owner or occupier in payment of any expenses hereby made payable by him in the first instance or if default is made by any owner in payment of any other expenses or moneys due from him by way of contribution or otherwise in pursuance of this Act then in addition to any other remedies hereby provided such expenses and moneys if arising in respect of any matter within the provisions of the Third Part of this Act may be recovered as a debt in due course of law but if arising in respect of any other matter under this Act may be recovered in a summary manner.

Power to appeal to High Court.

27. In every case in which jurisdiction is under the foregoing provisions of this Act given to a justice if either party to any such case is dissatisfied with the determination of the justice in respect of any point of law or of the admission or rejection of any evidence such party may upon giving notice within seven days to the other party of his intention appeal therefrom to the High Court subject to this restriction that no such appeal shall be made by any architect except with the consent of the justice before whom the case is tried and that no such appeal shall be made by any other party to the case except upon giving such security for costs and if the case requires it in addition thereto such undertaking in respect of desisting in the meantime from any works complained of or in respect of any other matter or thing arising in the case as the justice thinks fit.

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Form of appeal.

28. Any appeal so made shall be in the form of a special case to be agreed on by both parties or if the parties cannot agree to be settled by the justice from whose decision the appeal is made.

(iii) *Registration of Tenement Houses.*

Registration of tenement houses.

29. (1.) The owner of every tenement house existing at the commencement of this Act shall within six weeks of its commencement and the owner of every tenement house first used as such after the commencement of this Act shall within six weeks after the commencement of such user forward to the Corporation a statement of his name and address and of the situation and number of such tenement house for the purpose of being registered by the Corporation and the Corporation shall cause the same to be registered in a book or books to be kept by them for the purpose and entitled "Register of Tenement Houses":

(2) For the purposes of this Act "tenement house" means any house (not being a common lodging-house) occupied by members of more than one family and in which the average rent charged to the occupiers shall be less than seven shillings a week and the lowest rent charged to any occupier shall be not more than five shillings a week:

(3) The owner of any tenement house who wilfully fails to comply with the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

Byelaws with respect to tenement houses.

30. The Corporation may from time to time make alter and repeal byelaws for regulating the number of occupants to be permitted and the provision of air space (internal and external) and of sanitary accommodation in the case of all buildings originally intended for the occupation of a single family and afterwards used or intended to be used as tenement houses.

(iv) *Miscellaneous Building and Street Regulations.*

Alterations of and additions to old buildings.

31. Any alteration addition or other work made or done for any purpose except that of necessary repair not affecting the construction of any external or party wall in to or on any old building or in to or on any new building after the roof has been covered in shall to the extent of such alteration addition or work be subject to the enactments and byelaws for the time being in force in the city.

Rebuilding old buildings

32. Whenever any old building has been taken down to an extent exceeding one half of such building such half to be measured in cubic feet the rebuilding thereof shall be deemed to be the erection of a new building and the Corporation may by notice served

on the owner require any portion of such old building that is not in conformity with the enactments and byelaws for the time being in force in the city to be forthwith taken down Any person who fails to comply with the requisitions of such notice shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings.

Byelaws as to alterations of old buildings.

33. The Corporation may from time to time make alter and repeal byelaws for regulating all alterations and repairs of buildings erected before the commencement of this Act other than necessary repairs not affecting the construction of any external or party wall or the stability of the premises.

Restriction on application of foregoing provisions.

34. The provisions of the sections of this Act whereof the marginal notes are "Alterations of and additions to old buildings" and "Rebuilding old buildings" shall in the case of manufacturing premises the business and operations of which are so conducted as not to be dangerous injurious or offensive to residents or property adjacent thereto apply only to so much thereof as shall either—

(A) Be used or occupied as a dwelling-house; or

(B) Abut on or front the line of any street:

And in the last-mentioned case the said provisions shall apply to the extent only of the depth of any immediately adjoining premises used as a dwelling-house or office by some person other than the owner lessee or occupier of such manufacturing premises or if there are no immediately adjoining premises so used then to the extent of twenty feet from the line of the street on which such manufacturing premises abut measured from the front towards the rear of the said premises:

No byelaw made by the Corporation under the powers of this Act for regulating alterations and repairs of old buildings shall be at variance with any of the provisions of this section or prejudicially affect the carrying on of the trade and business in such manufacturing premises respectively in the same manner as before the passing of this Act.

Back streets to be laid out.

35. Every new street intended as the principal or front access to a continuous line of buildings shall if the Corporation so require have provided and set out in connexion with it one or more back or transverse streets or roads in such manner as to afford access for carts to the back of every house in such continuous line of buildings in the new street Provided that the Corporation shall not require any such back or transverse street to be of a greater width than nine feet.

Power to vary direc-

36. The Corporation may vary as they may think fit the intended position or direction of any new street and may fix the intended

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tion of new streets.

line of frontage of any new building (not being a re-erection on the site of a previous building) in a street so that the same may correspond with the building line of the adjoining or nearest houses or with the general building line of or prescribed for the street The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Corporation may erect barriers in certain cases.

37. The Corporation may from time to time erect barriers so as to prevent any new street from being used as a carriage road if it is of a less width in any part thereof than that required by the enactments and byelaws for the time being in force in the city.

Height of buildings.

38. (1) No building except a church or other building to be used exclusively for public worship or any building to be used exclusively for public purposes shall without the approval of the Corporation be erected in any new street so as to exceed in height the distance from the front of such building to the opposite side of the street nor shall the height of any building at any time erected in any street be at any time subsequently increased (without such approval as aforesaid) so as to exceed such distance Provided that the approval of the Corporation shall not in the case of rebuilding any building existing at the commencement of this Act to a height not exceeding its existing height be withheld so as to involve a material sacrifice of property:

(2) In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be but in the case of a gable facing the street the measurement shall be to a point halfway between the level of the eaves and the ridge and in the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves:

(3) The Corporation may take down any building or part of a building erected or begun to be erected in contravention of this section and may recover any expenses incurred by them in so doing from the person erecting or causing to be erected the building.

Occupation of new houses.

39. It shall not be lawful to let or occupy or to permit to be occupied as a dwelling-house any building whereof the erection is completed after the commencement of this Act unless the same has been completed and the drainage thereof executed in conformity with the plans and sections applicable thereto to the satisfaction of the surveyor nor until such house has been certified by the surveyor to be in his opinion fit for human habitation but if the surveyor

fails within fourteen days after the receipt of written notice of completion to notify in writing in what respect or respects such house or drainage has not been completed to his satisfaction such house may be occupied:

Any person offending against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings.

Restriction on occupation of new houses in streets.

40. It shall not be lawful to let or occupy or to permit to be occupied as a dwelling-house any building situate in a street unless and until the part of the street in which such building is situate shall have been formed and paved or otherwise made good and channelled and the said part shall have been sewered and provision made for the lighting thereof to the satisfaction of the Corporation:

Any person offending against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings.

Penalty on altering building contrary to Act or byelaws.

41. Any person who knowingly makes or causes to be made in or about any building any alteration at variance with any of the provisions of any Act or byelaw for the time being in force within the city shall in cases where no other penalty is provided be liable to a penalty not exceeding twenty pounds.

Power to alter names of streets and names to be put up and houses to be numbered &c.

42. The Corporation may name any street or any part of a street which is without a name or which bears two names and may at the instance and with the consent of the majority in number and value of the ratepayers in any street alter the name of such street or of any part of a street The Corporation may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection and may number every building or other erection therein on the door thereof or otherwise as they think proper:

Any person who wilfully and without the consent of the Corporation obliterates defaces removes or alters any such name or number or any part thereof shall be liable to a penalty not exceeding forty shillings.

For prevention of projections &c. in streets.

43. After the passing of this Act it shall not be lawful for any person to place or fix any crane or thrust-out scaffold against or in front of any building or land so as to project from the main building line of the street without the consent in writing of the Corporation which consent may be given for a limited time and on such terms and conditions as the Corporation think fit:

Any person offending against any of the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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Power to fix lamp brackets &c.

44. The Corporation may cause lamp-irons or brackets and lamps as well as plates indicating the position of fire hydrants to be fixed to or against any premises in any street.

Power to close unnecessary lanes passages &c.

45. If it is represented to the Corporation by the city surveyor that any lane passage alley or street being a public highway is no longer required for the use of the public or in the case of any back or transverse street or road for access to the backs of the adjoining houses the Corporation may thereupon give notice to the owner of the soil thereof and to the owners of any premises immediately adjoining such lane passage alley or street that they propose to close the same and unless within six months from service of the notice the said owner or owners or one of them serves notice on the Corporation objecting to the proposal it shall be lawful for the Corporation to close the said lane passage alley or street:

If notice objecting to the proposal is served on the Corporation under this section by any owner the Corporation shall not proceed in the matter without the order of a justice which order a justice may grant or withhold on the application of the Corporation and after giving the objector or objectors an opportunity of being heard.

Restriction on excavating under streets &c.

46. It shall not be lawful for any person without the consent of the Corporation to make any excavation tunnel sewer or drain or to lay any pipes tubes or wires under any street or public footway:

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Nothing in this section shall affect any tramways tunnels sewers drains pipes tubes wires or rails laid on or under any street or public footway before the passing of this Act.

No hoard to be erected without license from Corporation.

47. (1) It shall not be lawful for any person to erect or set up in any street any hoard fence or scaffold for any purpose whatever or any posts bars rails boards or other things by way of inclosure for the purpose of erecting repairing or removing any structure or of making mortar or of depositing bricks lime rubbish or other materials without a license in writing first had and obtained from the Corporation and every such license shall state the place where such hoard fence scaffold or inclosure is to be set up or made and the size thereof and the time for which it is to be permitted to continue and any conditions to be observed by the grantee of the license:

(2) For every such license there shall be payable such reasonable fee as shall from time to time be fixed by the Corporation:

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Control of Corporation over advertisements.

48. It shall not be lawful for any person without the consent of the Corporation to place or fix any placard bill or other advertisement on any lamp or lamp-post in or over any street:

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Penalty on occupiers obstructing execution of works or not disclosing owner's name.

49. If the occupier of any premises prevents the owner thereof from carrying into effect with respect to such premises any of the provisions of this Act or any order made in pursuance thereof he shall be liable to a penalty not exceeding forty shillings and to a daily penalty of the like amount and if the occupier of any premises when requested by or on behalf of the Corporation to state the name and description of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same it shall be lawful for any justice to summon the party to appear before him or some other justice at a time and place to be appointed in such summons and if the party so summoned neglect or refuse to attend at the time and place so appointed or if he do not show good cause for such refusal or if such wilful omission or mis-statement be proved the justice before whom the party is so summoned may impose upon the offender a penalty not exceeding five pounds.

Penalty on owner concealing structural defects.

50. If the owner of any premises wilfully conceals or endeavours to conceal from the surveyor or other authorised officer of the Corporation any structural defects in his premises he shall be liable to a penalty not exceeding twenty pounds.

Powers as to footpaths in certain squares.

51. The footpaths surrounding the squares known as Merrion Square Fitzwilliam Square Mountjoy Square and Rutland Square in the city of Dublin next adjoining and outside the railings thereof respectively shall be deemed and taken to be part of the public streets or thoroughfares under the control and management of the Corporation of Dublin:

Provided that the powers conferred by this section shall not extend to the footpaths immediately adjoining the railings in Saint Stephen's Green or any other footpaths or roads dedicated to the public that now are or at any time hereafter may be vested in or under the control of the Commissioners of Public Works.

Overhead bridges to be kept watertight.

52. All bridges platforms and arches over streets in the city shall be maintained by their respective owners reasonably water-

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tight and in good order and repair to the reasonable satisfaction of the surveyor so as not to be a source of nuisance or annoyance to the inhabitants of the city or to passengers:

In case any difference arises between the surveyor and any such owner as to the reasonableness of any requirement made by the surveyor under this section the difference shall be referred to and conclusively determined by a skilled person to be appointed by such owner and the surveyor or in default of agreement by the Board of Trade on the application of either party.

Means of ingress and egress to and from places of public resort.

53. Every building which shall after the passing of this Act be used as a place of public resort shall to the satisfaction of the Corporation be supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein and no such building shall at any time be used as a place of public resort unless the provisions of this section shall have been complied with:

The means of ingress and egress to and from every such building shall during the whole time that such building shall be so used be kept available and unobstructed If in the case of any building used as a place of public resort any of the provisions of this section shall not be complied with the occupier or person in charge thereof and where such place is let for any period less than one year the owner thereof as well shall be deemed to have committed an offence against the provisions of this section:

Every person offending against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding twenty shillings Provided that any court before which a penalty is sought to be recovered under this section may refuse to inflict such penalty when the court is satisfied that a reasonable time has not elapsed to admit of the necessary alterations being made and that the necessary alterations are in progress:

In this section "building used as a place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a college or school (not being merely a dwelling-house so used) or as a theatre public hall public concert room public ball room public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or by payment or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose but does not include a

private dwelling-house used occasionally or exceptionally for any of those purposes:

This section and the section of this Act the marginal note of which is "Power to Corporation to make byelaws with respect to theatres &c. for protection from fire" shall not extend to existing theatres or any places of public resort mentioned in and regulated by the section of this Act whereof the marginal note is "Power to "Corporation to require structural alterations in certain existing "theatres &c. for protection from fire."

(v) *Protection from Fire in Theatres &c.*

Power to Corporation to require structural alterations in certain existing theatres &c. for protection from fire.

54. Whenever it appears to the Corporation that any house or other place of public resort within the city authorised at the time of the passing of this Act to be kept open for the public performance of stage plays or that any house room or other place of public resort within the city containing a superficial area for the accommodation of the public of not less than five hundred square feet and authorised to be kept open for public dancing music or other public entertainment of the like kind is not provided with safe and convenient means of ingress and egress for the use of the public or is otherwise so defective in its structure that special danger from fire may result to the public frequenting the same then and in every such case the Corporation may if in their opinion such structural defects can be remedied at a moderate expenditure by notice in writing require the owner of such house room or other place kept open for any of the purposes aforesaid to make such alterations therein or thereto as may be necessary to remedy such defects within a reasonable time to be specified in such notice and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid he shall be liable to a penalty not exceeding fifty pounds for such default and to a further daily penalty of five pounds:

Provided that any such owner may within fourteen days after the receipt of any such notice as aforesaid serve notice of appeal against the same upon the Corporation and thereupon such appeal shall be referred to an arbitrator to be appointed by the Local Government Board at the request of either party who shall hear and determine the same and may on such evidence as he may think satisfactory either confirm the notice served by the Corporation or may confirm the same with such modifications as he may think proper or refuse to confirm the same and the decision of such arbitrator with respect to the requirements contained in any such notice and the reasonableness of the same and the person by whom and the proportions in which the costs of such arbitration are to be

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paid shall be final and conclusive and binding upon all parties In case of an appeal against any such notice compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid and the same if confirmed in whole or in part shall only take effect as and from such day And as soon as such owner has complied with such notice or award the Corporation shall give him a certificate which shall be a proof that the building is in accordance with all requirements except so far as may relate to such future alterations as are herein-after provided for If the owner fails to comply with the terms of the award he shall incur the like penalties as in the case of failure to comply with a notice of the Corporation under this section :

Provided that in the event of any future structural alteration affecting the safety or security of the building or any alteration of the lighting or heating arrangements therein or any other arrangements necessary for the protection from fire being made notice of the intention to make the same together with plans thereof shall be given and furnished by the owner to the Corporation and the same shall be subject in all respects to the enactments and byelaws in force for the time being with respect to such buildings If the owner fails to give notice or furnish plans as required by the last preceding enactment and commence to make any such structural or other alterations he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding ten shillings.

Power to Corporation to make byelaws with respect to theatres &c. for protection from fire.

55. (1) The Corporation may from time to time make alter vary and amend such byelaws as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the city to be kept open for the public performance of stage plays and of houses rooms or other places of public resort within the city containing a superficial area for the accommodation of the public of not less than five hundred square feet to be kept open for public dancing music or other public entertainment of the like kind under the authority of letters patent from Her Majesty Her heirs or successors or of licenses by any licensing authority which may be granted for the first time after the commencement of this Act and may by such byelaws prescribe the requirements as to position and structure of such houses rooms or places of public resort which may in the opinion of the Corporation be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof Provided that the Corporation may from time to time in any special case dispense with or modify such

byelaws or may annex thereto conditions if they think it necessary or expedient so to do:

(2) The Corporation shall after the making altering varying or amending of any such byelaws cause the same to be printed with the date thereof and a printed copy thereof shall be kept at the offices of the Corporation and all persons may at all reasonable times inspect such copy without payment and the Corporation shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment by such person of any sum not exceeding one shilling for every such copy:

(3) A printed copy of such byelaws authenticated by the seal of the Corporation shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same without adducing proof of such seal or of the fact of such making:

(4) From and after the making of any such byelaws it shall not be lawful for any person to have or keep open any such house room or other place of public resort for any of the purposes aforesaid unless and until the Corporation grant to such person a certificate in writing under their seal to the effect that such house room or other place was on its completion in accordance with the byelaws made by the Corporation in pursuance of the provisions of this Act for the time being in force and in so far as the same are applicable to such house or other place and to the conditions (if any) annexed thereto by the Corporation:

(5) In case any such house room or place of public resort is opened or kept open by any person for any of the purposes aforesaid contrary to the provisions of this enactment such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

Provisional license for new premises.

56. (1) A person interested in any premises about to be constructed or in course of construction which are designed to be licensed and used within the city for the public performance of stage plays or for public dancing music or other public entertainment of the like kind may apply to the licensing authority for the grant of a provisional license in respect of such premises:

(2) The grant of such provisional license shall in respect of the discretion of the licensing authority and procedure be subject to the same conditions as those applicable to the grant of a like license which is not provisional:

(3) Provided that a provisional license so granted shall not be of any force until it has been confirmed by the licensing authority

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and the licensing authority shall not confirm the same save on the production by the applicant of a certificate by the Corporation that the construction of the premises has been completed in accordance with the regulations and conditions made by the Corporation.

Part III.—Sanitary Matters.

Prohibition of filling up or embanking ground with offensive matter.

57. It shall not be lawful to raise fill up or embank any ground intended for building with any offensive or unwholesome matter Any person who does or causes or wilfully permits to be done any act in contravention of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Refuse and other injurious matter not to pass into sewers.

58. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any sewer of the Corporation or into any drain communicating therewith any matter or substance which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the construction of the drains or sewers or produce corrosion or decay in the materials thereof or generate noxious or offensive gases or injure or prejudicially affect the grass herbage crops or vegetation of any sewage lands for the time being held by the Corporation :

Any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Steam &c. not to be turned into sewers.

59. Every person who having had notice from the Corporation of the provisions of this section shall at any time after the expiration of fourteen days from the service of such notice turn or knowingly permit to enter into any sewer or into any drain communicating therewith any waste steam condensing water or heated water from any boiler or other receptacle used with any steam-engine or for any manufacturing or trade purposes (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit's thermometer) which either alone or in combination with the sewage causes a nuisance or is injurious to health shall be liable for every such offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

The Corporation by any of their officers authorised in writing under the hand of the town clerk may demand to enter any premises for the purpose of examining whether the provisions of this and of the preceding section are being contravened and if such admission be refused any justice on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of such intended complaint has been given to the person

having custody of the premises) may by order under his hand require such person to admit an officer of the Corporation into the premises and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed.

Powers respecting brick or built drains.

60. Where any dwelling-house within the city is drained only by a brick or built drain the house shall be deemed to be without a drain sufficient for effectual drainage within the meaning of section twenty-five of the Public Health Act and that section shall be construed and have effect accordingly.

Power of entry for purpose of testing drains.

61. It shall be lawful for the medical officer of health or city engineer or surveyor or other officer of the Corporation authorised by writing under the hand of the medical officer or city engineer or surveyor if he has reason to believe that the drains of any dwelling-house are defective in any respect so that there is an escape of sewer gas into any house or street to enter the premises and to apply such tests for the presence of sewer gas as he may think proper and the Corporation may recover the reasonable expenses incurred by them in making any investigation or examination for the purposes of this section from the owner or occupier of the premises unless it shall appear that such examination was unnecessary:

If admission be refused to the medical officer city engineer or surveyor or other person authorised as aforesaid any justice on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises) may by order under his hand require such person to admit an officer of the Corporation into the premises and any such order shall continue in force so long as may be necessary for the completion of such investigation or examination as aforesaid.

Rating of certain premises to sewer rate.

62. The owners and occupiers of the premises situate beyond the municipal boundary of the city which are now drained or which may at any time hereafter be drained into any sewer of the Corporation shall be liable to be rated to district sewer rates of the city as if their premises were situate within the municipal boundary and all statutory provisions for the time being in force for assessing levying and recovering sewer rates shall apply and be enforceable with respect to all such premises accordingly.

Byelaws for removal of house refuse and for cleansing.

63. The Corporation may from time to time make alter and repeal byelaws for regulating the removal of house refuse and the cleansing of privies ashpits and dustbins.

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Byelaws for regulating conveyance of meat through streets &c.

64. The Corporation may from time to time make alter and repeal byelaws for all or any of the following purposes (that is to say) :—

For regulating the carriage and conveyance of meat and carcases of animals through public thoroughfares and the exposure of the same for sale :

For the registration of itinerant vendors of milk ice creams and similar articles and for enforcing the painting or marking of the names and addresses of such vendors on their carts barrows or stands.

Extension of provisions of Public Health Act respecting unsound food.

65. Where any person has purchased as and for human food any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour milk or butter which appears to him to be diseased or unsound or unwholesome or unfit for human food he may deliver the same to any sanitary officer of the Corporation for the purpose of being carried before a justice and the justice shall have all such powers and jurisdiction in the case as he would have had if the article or articles had been seized and carried before him by a sanitary officer under the powers of the Public Health Act and section one hundred and thirty-three of that Act shall be construed and put in force accordingly.

Exemption of buildings of railway companies.

66. There shall be exempted from so much of the provisions of this Act or of the byelaws made in pursuance thereof as relates to buildings and structures every building (not being a building or portion of a building used solely as a dwelling-house) structure chimney or work in the possession of and used or intended to be used for the purpose of any railway company under the provisions of any Act of Parliament.

Part IV.—Rates.

Creation of department for municipal rates.

67. (1) From and after the passing of this Act a separate department (in this Act referred to as "the municipal department") shall be formed in the office of the collector general of rates (in this Act referred to as "the said office") for the supervision of the applotting and levying of the municipal rates or the consolidated municipal rate as the case may be (in this Act referred to as "the municipal rates") which shall consist of an officer who shall have the control of the said department under the collector general and so many other officers as the Corporation with the consent of the Lord Lieutenant shall determine :

(2) All the officers of the municipal department other than the collector general and the collectors of rates shall be appointed

and subject as herein-after is mentioned may be removed by the Corporation:

(3) In appointing the first officers (other than the officer having the control) of the municipal department the Corporation shall make the appointments from amongst the officers in the said office at the passing of this Act:

(4) Any officer in the said office at the passing of this Act who shall be appointed by the Corporation to serve in the municipal department may for cause but not otherwise be removed by the Corporation with the approval of the Lord Lieutenant:

(5) The salaries or other remuneration and superannuation allowances of all officers appointed to the municipal department who shall not be in the said office at the passing of this Act shall be fixed by the Corporation with the consent of the Lord Lieutenant.

Appointment &c. of officers and saving of rights.

68. (1) The first and third vacancies which shall occur amongst the collectors of rates in the said office after the passing of this Act shall be filled by the appointment of the Corporation and the second of such vacancies by the appointment of the Lord Lieutenant pursuant to the provisions of the Collection of Rates Act 1849 and so on perpetually in the same order so that one third of such appointments shall always be made by the Lord Lieutenant and two thirds by the Corporation:

(2) No appointment shall be made of any clerk collector or other officer to the said office so as to increase the number of officers who shall be in the said office at the passing of this Act except with the consent of the Corporation:

(3) Nothing in this Act except as therein expressly provided shall in any way affect the rights or position of the collector general or any clerk collector or other officer now in or hereafter to be appointed to the said office or the powers of appointment or removal given to the Lord Lieutenant by the Collection of Rates Act 1849.

Taking over by Corporation of collection of municipal rates.

69. At any time after the thirty-first day of December one thousand eight hundred and ninety it shall be lawful for the Corporation by resolution to declare that from and after a date to be specified in the resolution (in this Act referred to as "the specified date") they will collect the municipal rates and if the Corporation so resolve then from and after the specified date—

(1) All the powers duties and authorities of the collector general under the Collection of Rates Act 1849 the Dublin Corporation Waterworks Act 1861 or any other Act with respect to the municipal rates shall cease to be exercised and performed by the collector general and the Corporation shall not (except as herein-after mentioned) be required to pay into the Bank of

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Ireland to the credit of the collector general any of the expenses mentioned in section twenty-eight of the Collection of Rates Act 1849 or to transmit to the collector general any rental list or account of premises chargeable with pipe-water rate under section thirty-five of that Act or any account or rental under the Dublin Corporation Waterworks Act 1861 or to transmit to the collector general any estimate of the amount required to be raised by any borough rate improvement rate district sewer rate or grand jury cess under sections thirty-seven thirty-eight forty and forty-one of that Act respectively or by any water rate under the Dublin Corporation Waterworks Act 1861 or any other Act:

(2) Notwithstanding anything contained in any Act of Parliament the Corporation shall have exercise and perform all such powers duties and authorities of applotting levying and collecting the municipal rates (including the power of levying and collecting the arrears of such rates) as the collector general would or might have had exercised and performed if this Act had not passed but subject to the provisions of this Act and provided that no rule or regulation made or to be made by the Lord Lieutenant under any of the said Acts shall apply to or affect the Corporation or their officers:

(3) For the purposes of this section the Corporation may from time to time appoint and remove such officers clerks collectors and other persons as they may think necessary or proper and may out of the municipal rates pay to such officers clerks collectors and other persons such salaries or remuneration in the way of poundage or otherwise as they may think fit:

(4) Subject to the provisions of this Act the provisions of the Collection of Rates Act 1849 shall so far as they are not varied by or inconsistent with this Act apply to the collection of the municipal rates by the Corporation and its officers.

Abolition compensation to officers.

70. From and after the specified date—

(A) Every clerk collector and other officer in the said office appointed under the provisions of the Collection of Rates Act 1849 or hereafter to be appointed under the provisions of the said Act as amended by this Act whose office shall be abolished or cease or become unnecessary by reason of such resolution of the Corporation as is herein-before mentioned shall be entitled to be paid an annual superannuation allowance (in this Act referred to as "abolition superannuation allowance") of such amount as shall be fixed by the Lord Lieutenant but not exceeding two thirds of the then salary or emoluments payable to or receivable by such officer: and

(B) Every such clerk collector or other officer including the solicitor who shall be continued in the said office but whose salary or emolument at the specified date shall be reduced by loss of poundage or other fees by reason of such resolution of the Corporation as is herein-before mentioned who shall not be employed by the Corporation with his own consent in an office of equal value in all respects shall be entitled to receive such compensation for such loss by way of yearly annuity (in this Act referred to as "abolition compensation") as the Lord Lieutenant shall fix having regard to all the circumstances of the case.

Payment of compensation &c.

71. From and after the specified date the following consequences shall ensue:—

1. All superannuation allowances granted before the passing of this Act which at the specified date shall be payable under the provisions of the Local Officers Superannuation (Ireland) Act 1869 to any officer who had been employed in the said office shall be paid as to two thirds thereof by the Corporation out of the municipal rates and as to the residue thereof by the several bodies boards commissioners and persons respectively (other than the Corporation) who are mentioned in section twenty-eight of the Collection of Rates Act 1849 out of the sums collected by the collector general for them respectively under the provisions of the said Act as amended by this or any other Act:

2. (A) Any superannuation allowance which shall after the specified date be granted and become payable under the provisions of the Local Officers Superannuation (Ireland) Act 1869 to the collector general or any officer who shall be in the said office on the passing of this Act (B) Any abolition superannuation allowance and (C) Any abolition compensation which shall become payable under the provisions of this Act shall be apportioned between the period of service of the collector general or officer before such date and the period of his service after such date and so much of any such allowance or compensation as shall be payable in respect of service before such date shall be paid as to two thirds thereof by the Corporation out of the municipal rates and as to the residue thereof by the same bodies boards commissioners and persons respectively (other than the Corporation) in the same proportions and manner and out of the same funds as is in this Act before provided with respect to superannuation payable at the specified date to any officer who had been employed in the said office and so much of the

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residue of any such allowance or compensation as shall be payable in respect of service after the specified date shall be paid by the said bodies boards commissioners and persons respectively (other than the Corporation) in proportion to the sums collected by the collector general for them respectively :

3. On or before the first day of July in each year the collector general shall transmit to the Corporation an account of all sums payable by them out of the municipal rates under the provisions of this section and thereupon the Corporation shall forthwith pay the amount of the said sums into the Bank of Ireland to the credit of the collector general.

Notice by Lord Lieutenant.

72. At any time after the thirty-first day of December one thousand eight hundred and ninety it shall be lawful for the Lord Lieutenant by notice in writing signed by the Chief or Under Secretary to the Lord Lieutenant to require that the Corporation from and after a date to be specified in the notice shall assume the collection of the municipal rates and if such notice shall be given then from and after the date so specified the same results and consequences in all respects shall ensue as it is by this Act provided shall ensue from and after the specified date if the Corporation shall by resolution declare that they will collect the municipal rates.

Power to raise limit of expenses.

73. If at any time it appears to the Lord Lieutenant after investigation that the expenses specified in section twenty-seven of the Collection of Rates Act 1849 in relation to the rates for the time being collected by the collector general regard being had to due and reasonable economy are such that the limit of two pounds ten shillings in the said section mentioned will not be sufficient to discharge such expenses the Lord Lieutenant may by order made by and with the consent of the Privy Council direct that the said limit shall for a period to be named in the order be such amount greater than two pounds ten shillings as shall under the circumstances be necessary to discharge such expenses and thereupon the said section shall with respect to such period be read and construed as if the amount specified in the said order were inserted in the said section in relation to the rates in this section before mentioned instead of the amount of two pounds ten shillings.

Saving of superannuation rights.

74. Nothing in this Act except as therein expressly provided shall in any way affect the power of the Lord Lieutenant to grant a superannuation allowance to the collector general or any clerk collector or other officer now in or hereafter to be appointed to the

said office under the Local Officers Superannuation (Ireland) Act 1869 or affect any of the provisions of the said Act. A.D. 1890.

Power to compound with owners of premises under eight pounds.

75. In cases in which the annual value of any premises does not exceed eight pounds and the premises are in the judgment of the Corporation suitable as dwellings for and are occupied by artizans or labourers it shall be lawful for the Corporation to compound with the owner of such premises for the payment of all or any of the rates leviable on such reduced estimate of the net annual value not being less than two thirds nor more than four fifths of the net value at which the premises are assessed as the Corporation may deem reasonable Provided that the year's rates on such reduced estimates are paid on or before the first day of March in each year.

Provision as to unoccupied premises.

76. The last proviso to section sixty-two of the Collection of Rates Act 1849 is hereby repealed that is to say from "Provided also" to the end of the section so far as regards municipal rates and the owner of any unoccupied premises shall be liable to pay such items or such proportion of the municipal rates or rate as the Corporation may from time to time determine Provided that such items or proportions shall not in any case exceed one third of the municipal rates or rate.

Power to consolidate municipal rates.

77. (1) The Corporation may at any time resolve to the effect that it is expedient to consolidate any of the existing municipal rates into a single municipal rate:

(2) If the Corporation so resolve then from and after the first day of January next after the date of the resolution (in this Act referred to as "the appointed day") all sums raiseable within the city by such municipal rates shall cease to be so raised and shall be raised by one consolidated rate to be termed "the consolidated municipal rate" or "the consolidated rate":

(3) Where any existing municipal rate is leviable on property beyond the limits of the city that rate shall continue to be so levied but as a separate rate.

Assessment of consolidated rate.

78. The consolidated municipal rate shall be assessed on the net annual rateable value of all property for the time being included in the valuation of property assessed to the relief of the poor in the city:

Provided as follows:—

(A) Where any property or description of property in the city is at the appointed day exempt from any rate it shall continue to be exempt from so much of the consolidated rate as is required for the purposes of the rate from which it is so exempt:

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(B) Where any property or description of property is at the appointed day assessable for the purposes of any rate on part only of its net annual value it shall continue to be assessed on that part only to so much of the consolidated rate as is required for the purposes of the rate to which it is so assessable.

Levy of consolidated rate.

79. The following enactment shall be made with respect to the levy of the consolidated rate (that is to say):—

With a view to the levy of the consolidated rate the Corporation shall in every year on or before the tenth day of December furnish to the collector general a statement showing the several amounts required by the Corporation and the purposes for which the same are respectively required and containing such other particulars (if any) as the collector general may reasonably require in order to enable him to levy such consolidated rate.

Part V.—Overhead Wires.

Byelaws for prevention of danger from telegraph wires &c.

80. (1) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose:

(2) By such byelaws provision may be made for the inspection and examination by the Corporation of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public;

(3) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Corporation under this section:

(4) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice

of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the city and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade:

(5) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") And the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed:

(6) Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1883 to which the provisions of those Acts apply:

(7) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connexion with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway other than public streets which cross any railway on the level.

As to existing telegraph wires &c.

81. If during the said period of five years any existing work is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or

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any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Restrictions on placing wires &c. over across or along streets.

82. It shall not be lawful for any person to fix or place any rope line cord wire tube or other similar apparatus other than wires tubes or other apparatus for telegraphic telephonic or any electrical or railway signalling purpose above ground over across or along any street without the consent in writing of the Corporation which consent may contain such terms and conditions as the Corporation think fit:

Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Telegraphic &c. communications between offices of Corporation.

83. The Corporation may from time to time provide and maintain for their offices waterworks and other establishments and premises including the stations of any volunteer or other fire brigades and the private residences of the firemen thereof such telegraphic telephonic or other electrical communications between such parts of the city as they may deem fit but such communications shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred on Her Majesty's Postmaster General by the Telegraph Acts 1863 to 1885 and in relation to any such telegraphs or telephones or other electrical communications the Corporation shall for the purposes of the Telegraph Act 1863 be deemed to be and shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones or other electrical communications of any street or court under their own management.

Saving for posts wires &c. of Postmaster General.

84. Nothing in this Act shall extend or apply to any posts wires tubes or other property of Her Majesty's Postmaster General.

Saving for works of electric lighting undertakers.

85. Nothing in this part of this Act shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1888 to which the provisions of the said Acts apply.

Part VI.—Markets and Abattoir.

Tolls for cattle &c.

86. (1) When and so soon as the market of Smithfield has been paved and completed and is open for the use of the public section

eighty-one of the Dublin Improvement Act 1849 shall be repealed and it shall thereupon be lawful for the Corporation to demand and take such stallage fees and tolls for the standing of cattle and for carts of hay or straw exposed for sale in the said market as they shall from time to time appoint not exceeding the several stallage fees and tolls specified in the First Schedule to this Act:

in Smithfield Market and extension of market.

(2) The limits of Smithfield Market are hereby extended so as to include and they shall accordingly include Smithfield North King Street Redcow Lane Church Street New Haymarket Arran Street West Phœnix Street Bow Street May Lane Queen Street Hendrick Street and also any adjoining street or thoroughfare where hay and straw are exposed for sale.

87. (1) The premises situate in the parish of Grangegorman barony of Coolock and county of Dublin used as an abattoir or slaughter-house and more particularly described in the Second Schedule to this Act which are at present under the jurisdiction and control of the grand jury of the county of Dublin shall for all purposes be included within the city:

Corporation abattoir included within city boundary.

(2) From and after the passing of this Act the grand jury or finance committee of the county of Dublin shall have power and are hereby authorised to pay their secretary for his services by an annual salary not exceeding the amount mentioned in schedule fifteen to 7th and 8th Victoria chapter 106 anything contained in the forty-fifth section of said Act to the contrary notwithstanding.

88. Notwithstanding anything contained in any of the Dublin Improvement Acts or in any enactment incorporated therewith the Corporation shall not be obliged compulsorily to close any of the existing slaughter-houses but may from time to time renew any of such licenses as may be in force at the time of the commencement of this Act and may grant licenses for new slaughter-houses:

Corporation may renew licenses for slaughter-houses and grant new licenses &c.

The Corporation shall compensate the occupiers or licensees or occupiers who are assignees or holders of licenses of any slaughter-houses closed under the provisions of this Act for all loss and damage and injury to trade and other injury inconvenience expense and loss of accommodation sustained or incurred by them respectively by reason of such closure or disuse or cessor of license such compensation in case of difference to be ascertained by arbitration in the manner provided by the Public Health (Ireland) Act 1878:

Compensation under this enactment is to be limited to the slaughter-houses mentioned in the Third Schedule to this Act and to the person or persons for the time being using such premises for his or their own business only and in no case is more than

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one interest in respect of the same license of premises to be compensated.

Part VII.—Blackrock Road.

As to Blackrock Road.

89. Any existing liability of the Corporation to contribute towards the expense of maintaining the road from Macartney's Bridge to the Cross of Blackrock in the county of Dublin shall be extinguished on the coming into operation of this section as hereinafter provided and such road shall thenceforth be transferred to and maintained as to so much thereof as lies within the township of Pembroke by the Pembroke Township Commissioners and as to so much of the said road as lies within the Blackrock township and that portion of the said road between the said two townships the same shall be transferred to and maintained by the Blackrock Township Commissioners the cost of such maintenance to be borne one third by that township one third by the township of Kingstown which one third shall be paid by the commissioners of the said township on demand to the commissioners of the said Blackrock township one third by the township of Dalkey the township of Killiney and Ballybrack that part of the township of Bray which is in the barony of Rathdown and in the county of Dublin and that part of the barony of Rathdown county of Dublin not included in any township the said districts to contribute to the said sum in proportion to their respective valuations which said several amounts shall be paid by the commissioners of the said three townships last mentioned and the grand jury of the county of Dublin for the barony of Rathdown to the commissioners of the said Blackrock township on demand:

The commissioners of the said townships of Blackrock and Pembroke shall have and exercise all powers and rights for the collection and levying of the rates within their respective townships necessary for carrying into effect the provisions of this Act with respect to the maintenance of the said road:

The Blackrock Commissioners shall maintain so much of the Rock Road as lies between the boundary of their township and the boundary of Pembroke township and they are hereby authorised to levy all rates now levied or hereafter to be levied by them within the said township on the houses and lands abutting upon and fronting so much of the said road as aforesaid and shall be recoverable in the same manner as the rates collected within the township of Blackrock:

All such contributions respectively herein-before mentioned shall be recoverable by the commissioners of the Blackrock township as an ordinary debt by action at law from the said townships

respectively and from the grand jury of the county of Dublin as representing the said barony of Rathdown and the contribution of the grand jury shall be levied by the said grand jury in the same manner as is provided by 7 & 8 Vict. chapter 106 for levying county cess:

This clause shall not come into force until after the expiry of any contract now in force for the maintenance of the said road:

Provided always that nothing in this section contained shall be construed to impose any liability whatever on the township of Rathmines and Rathgar or any part thereof or the Rathmines and Rathgar Improvement Commissioners to pay or contribute to any part of the cost of the maintenance and repair of the said road or any part thereof.

Part VIII.—Miscellaneous.

Alteration of quorum of council 3 & 4 Vict. c. 108.

90. Notwithstanding anything in section ninety-two of the Municipal Corporations Ireland Act 1840 (3 & 4 Vict. c. 108) it shall not be necessary for a greater number of members to be present at any meeting of the council for the transaction of business than one fourth of the whole number.

Notwithstanding Dublin Corporation Waterworks Act 1861 Corporation may levy water rate upon owners in Dublin.

91. Notwithstanding the provisions of the Dublin Corporation Waterworks Act 1861 the Corporation may until the specified date order and direct the collector general irrespective of any assessment for domestic water rate to applot collect and levy upon and from the owners of all rateable property within the borough of Dublin a public water rate not exceeding threepence in the pound on the annual value of such property as the same now is or are or shall from time to time hereafter be valued and rated under the provisions of the Act of the 15th and 16th Vict. cap. 63 or any Acts amending the same And after the specified date the Corporation may applot collect and levy such public water rate.

As to establishment of hospital for infectious diseases.

92. It shall not be lawful to erect or establish any hospital for the treatment of any infectious disease except in a situation which is certified by the medical officer of health and the surveyor to be fit for that purpose and it shall not be lawful to open any premises for the reception of patients suffering from any infectious disease unless and until the same have been certified by the medical officer of health and by the surveyor to be fit for that purpose.

Retiring allowance to medical officer of health.

93. In the event of the resignation of any medical officer of health of the Corporation it shall be lawful for the Corporation with the sanction of the Local Government Board to grant him a retiring allowance of such yearly amount not exceeding two thirds of his salary at the time of resignation as they may having regard to the length of his service and to all the circumstances of the case

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determine Every such allowance shall be payable quarterly or half-yearly out of the fund or rate on which the salary of the medical officer of health is for the time being chargeable.

Power of entry for officers of Corporation.

94. For the purpose of carrying into execution any of the provisions of this Act or of ascertaining whether the provisions of this Act or of the Public Health Act have been or are being complied with it shall be lawful for the medical officer of health surveyor or other officer of the Corporation authorised in writing by the medical officer of health or the surveyor at all reasonable hours to enter and inspect and examine the structural condition of so much of any premises as are used or intended to be used for human habitation or as abut on any thoroughfare and the drainage and other sanitary arrangements thereof and if necessary to lay open the ground for the above purposes. Any person obstructing such surveyor or officer in the execution of his duties shall be liable to a penalty not exceeding five pounds Provided that before laying open the ground under the powers of this section not less than forty-eight hours notice in writing of the intention to exercise the powers of this section be given to the occupier of the premises and also the owner if resident in the United Kingdom:

Provided also that if the ground has been laid open and the drainage and other sanitary arrangements are found to be in a proper condition the surveyor or other officer shall cause the ground to be closed and any damage done to be made good as soon as can be and the expenses of the work shall be defrayed by the Corporation:

Provided also that the provisions of this section shall not be deemed or taken to affect any powers of inspection or other powers exerciseable by the Corporation under the Public Health Act.

Compensation to owners not in default.

95. Where any person sustains any damage by reason of the exercise of any of the powers of this Act in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by the Public Health Act or if the compensation claimed does not exceed the sum of twenty pounds the same may at the option of either party be ascertained by and recovered before a court of summary jurisdiction.

Power to owners &c. to enter houses &c. to comply with notices or order.

96. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner builder or person in respect of any house building or other erection room or place such owner builder or person his servants workmen and agents may after giving seven days notice in

writing to the occupier of such house building or other erection room or place and on production of such notice or order enter such house building or other erection room or place and do all such works matters and things therein or thereto or in connexion therewith as may be necessary:

If any person refuses to admit such owner builder or person or his servants or workmen or agents or to afford them all reasonable assistance such person shall incur for each offence a penalty not exceeding twenty pounds.

Penalty where chimneys are on fire.

97. If the chimney of any house or other building within the city is on fire the occupier of such house or building shall be liable to a penalty not exceeding ten shillings but if such occupier proves that he has incurred such penalty by reason of the neglect or wilful default of any other person he may recover summarily from such person the whole or any part of the penalty he may have incurred as occupier.

Rules as to service of notices summonses and orders.

98. The following rules shall be observed with respect to the giving or service of any notice summons or order directed to be given or served under this Act in cases not herein-before provided for:—

(1) A notice summons or order may in all cases be served personally:

(2) A notice summons or order may be served on any builder by leaving the same or sending it in a registered letter addressed to him at his place of address as stated by him to the surveyor or by putting up such notice summons or order on a conspicuous part of the building or premises to which the same relates:

(3) A notice summons or order may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises or with some inmate of his abode or if there is no occupier by putting up such notice summons or order on a conspicuous part of the building or premises to which the same relates and it shall not be necessary to name the owner or occupier of such premises nevertheless when the owner of any such premises and his residence or that of his agent are known to or can with reasonable care be ascertained by the party by whom or on whose behalf any notice summons or order is intended to be served it shall be the duty of such party to send every such notice summons or order by the post in a registered letter addressed to the residence or last known residence of such owner or of his agent:

(4) A notice summons or order may be served on any architect or the surveyor by leaving the same at his office.

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Notices &c. may be printed or written.

99. Any notice summons or other document required or authorised to be given served or used for any of the purposes of this Act may be in print (including any mechanical mode of reproduction) or in writing or partly in print and partly in writing.

As to consent of Corporation.

100. Where the Corporation give their consent to the execution of any work or the doing of any act or thing they may give such consent subject to any terms or conditions and any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Confirmation of byelaws.

101. Byelaws made by the Corporation under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board and sections two hundred and nineteen to two hundred and twenty-three (both included) of the Public Health Act shall apply accordingly to all byelaws made by the Corporation under the powers of this Act.

Penalty.

102. Any person offending against any of the preceding provisions contained in this Act or any byelaw made under this Act shall in cases where no other penalty is provided be liable for every such offence to a penalty not exceeding five pounds and in case of a continuing offence to a daily penalty not exceeding twenty shillings.

Prosecution of offences.

103. All offences penalties costs and expenses under this Act or under any byelaw made in pursuance of this Act the prosecution and recovery of which is not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Corporation under this Act shall (where not otherwise directed) be paid over to their treasurer and be carried to the credit of the improvement rate or of such other rate or fund as the Corporation may determine.

Right of appeal.

104. Any person deeming himself aggrieved by any determination or requirement or the withholding of any license or consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order of a justice under any provision of this Act where no other appeal or reference is provided may appeal to the next practicable court of quarter sessions and no liability to penalty shall arise nor shall any proceedings be taken or work be done under such order until after the determination of such appeal unless such appeal cease to be prosecuted.

Expenses of execution of Act.

105. All expenses for the execution of this Act by the Corporation which are not otherwise provided for may be defrayed out of the borough fund and borough rate or out of the improvement fund or rate as the Corporation having regard to the objects of the expenditure may deem to be just and proper.

General saving for Corporation.

106. Nothing in this Act shall take away abridge or prejudicially affect any right power authority duty estate or interest of the Corporation under the Municipal Corporations Act or the Public Health Act and every such right power authority duty estate and interest may be had enjoyed exercised and performed by the Corporation as fully and effectually as if this Act had not been passed.

Saving rights of port and docks board.

107. Nothing in this Act contained or in any byelaws to be made under this Act shall in anywise extend or be construed to extend to repeal transfer alter affect or interfere with the rights interests powers privileges lands property buildings other than dwellings works authorities jurisdictions or duties of the Dublin Port and Docks Board or shall be applicable thereto anything herein-before contained to the contrary thereof in anywise notwithstanding.

Saving rights of Midland Great Western Railway of Ireland Company.

108. Nothing in this Act shall take away lessen prejudice or alter any of the estates rights interests powers privileges or authorities vested in or possessed by the Midland Great Western Railway of Ireland Company under any of the Acts relating to that company or the New Royal Canal Company or the Acts incorporated therewith or otherwise lawfully possessed by the said company.

Saving rights of Great Southern and Western Railway Company.

109. Nothing in this Act shall take away lessen prejudice or alter any of the estates rights interests powers privileges or authorities vested in or possessed by the Great Southern and Western (Ireland) Railway Company under any of the Acts relating to that company or the Acts incorporated therewith or otherwise lawfully possessed by the said company.

Saving rights of Dublin Wicklow and Wexford Railway Company.

110. Nothing in this Act shall take away lessen prejudice or alter any of the estates rights interests powers privileges or authorities vested in or possessed by the Dublin Wicklow and Wexford Railway Company under any of the Acts relating to that company or the Acts incorporated therewith or otherwise lawfully possessed by the said company Provided that nothing in this Act shall prevent the application to the company of the section of this Act whereof the marginal note is "Overhead bridges to be kept watertight."

Saving rights of Dublin and Alliance Consumers Gas Company.

111. Nothing in this Act shall take away lessen prejudice or alter any of the estates rights interests powers and privileges vested in or possessed by the Alliance and Dublin Consumers Gas Company under the special Acts relating to that company or under the Acts incorporated therewith.

Exemption of Government property from Parts II. and VIII. and regulations as regards Part III.

112. All buildings offices and premises at present existing or hereafter to be built vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public purposes or in the occupation of any department of Her Majesty's Government or used or employed for public purposes shall be exempt from the operations of Parts II and VIII of this Act and the powers of entry on premises conferred by Part III of this Act shall as regards all such buildings offices and premises be only exercised on the written authority of one of the commissioners of public works therefor being first obtained on a statement of facts submitted by the duly authorised officer of the Corporation.

Costs of Act.

113. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons or otherwise in relation thereto shall be paid by the Corporation out of the borough fund and borough rate or the improvement fund and improvement rate and shall be debited to such accounts and in such proportions as the Corporation think fit and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act.

The SCHEDULES to the foregoing Act.

FIRST SCHEDULE.

Tolls for Cattle Hay Straw &c. in Smithfield Market.

Cattle.

For the exposure to sale of horses or other beasts cattle or pigs as follows (that is to say) :—

For every horse mare or gelding fourpence :
For every mule ass colt filly or foal twopence :
For every bull ox cow heifer or steer threepence :
For every stallion exposed or shown on a market day one shilling :
For every calf one penny :
For every score of sheep or lambs tenpence :
For every score of pigs tenpence :
For every score of sucking pigs fivepence :

And so on in proportion for any greater number and one or more not exceeding five to be paid for as a quarter of a score.

Hay Straw &c.

For the exposure to sale of hay straw grass or litter sixpence per cartload not exceeding twenty hundredweight and ninepence per cartload exceeding twenty hundredweight and in either case one halfpenny per hundredweight in addition for every hundredweight exposed for sale.

Note.—These tolls in relation to hay straw grass or litter include the charge for weighing at the Corporation weighing houses or bridges.

SECOND SCHEDULE.

Description of Premises in Parish of Grangegorman used as Abattoir or Slaughter-house.

The piece or plot of land with the buildings thereon surrounded partly by a stone-built wall and partly by a stone-built wall and railing used as an

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abattoir or slaughter-house with cattle lairs dead meat market offices and paddocks and situate in the parish of Grangegorman and barony of Coolock and county of Dublin together with the subway leading thereto from the Cattle Market the property of the Corporation through and under the North Circular Road.

THIRD SCHEDULE.

SLAUGHTER-HOUSES IN RESPECT OF WHICH COMPENSATION IS TO BE GRANTED FOR CLOSURE OR DISUSE OR CESSOR OF LICENSE.

53 Amiens Street.
11 Arbour Place.
Beef Row.
40 Benburb Street.
Blackpitts.
Bracken's Lane.
Brickfield Lane.
Britain Place (premises registered 10th March 1871).
Do. (premises registered November 1877).
59 Britain Street (rere).
125 Great Britain Street.
30 Bull Alley (premises registered 19th March 1869).
Do. (premises registered 21st October 1870).
32 Do.
35 Do.
Camden Row.
8 Camden Street.
Charles Row.
1 Charlotte Street.
11 Chatham Street.
16 City Quay.
Clarendon Market.
(McCabe.) Cumberland Lane.
1 Draper's Court.
Digges Lane.
48 Dorset Street Upper.
94 Do.
27 Ellis's Quay.
2 Manor Street.
48 Marrowbone Lane.
Market Place (premises licensed 23rd December 1858).
Do. (premises licensed 23rd May 1859).
1 Market Street.
Do.
Meath Row.
25 Mill Street (Knackers Yard).
Molyneux Yard.
12 and 13 New Church Street.
157 North King Street.
171 Do.
61 Patrick Street.
68 Do.
73 Do.
78 Do.
79 Do.
81 Do.
60 Phibsborough Road.
Pleasant Place.
14 Sackville Lane.
Sampsons Lane (premises registered in name of George Boomer).
Do. (premises licensed 4th October 1867).
Do. (premises licensed 1st October 1869).
Do. (premises registered 3rd March 1876).
100 Francis Street.

5 Garden Lane.
1 Gordon Place.
Harcourt Road.
Henrietta Lane.
Hunts Alley Brabazon Row.
40 James Street.
Kings Head Court Great St. George's Street.
Liberty Lane.
72 Summer Hill.
Swan Alley.
19 Thomas Street.
42 Do.
58 Do.
7 Townsend Street.
41 Do.
39 Westland Row (rere).
46 William Street.

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