

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to make further Provisions relating to the Police in the District of *Dublin* Metropolis.

[24th *August* 1839.]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provisions relating to the Police in the District of* Dublin *Metropolis:* And whereas it is expedient to make more effectual Provisions for the Collection of the Police Tax authorized by the said Act to be levied: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall neglect or refuse to pay the Amount of Police Tax, or Arrears thereof, to which he or they may be liable under the said Act or this Act, for the Space of Ten clear Days after personal Demand thereof by the Collector, or Demand in Writing left at the House, Land, or Tenement rated and assessed to such Tax, or at the Place of Abode or Occupation of the Person or Persons rated and assessed to such Tax, and after a Second Demand thereof made in any such

7 W. 4. & 1 Vict. c. 25.

How Rates may be distrained for.

such like Manner after the Expiration of the said Ten clear Days, then and in such Case it shall and may be lawful for the Collector or Collectors appointed to receive the said Police Tax, and his or their Assistant or Assistants, by Warrant under the Hand and Seal of either of the Justices appointed pursuant to an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, (who and each of them are and is respectively hereby authorized and required to grant such Warrant,) to enter into any Part of any House, Land, or Tenement so rated and assessed, and to distrain the Goods and Chattels therein or thereon, or to enter into any Part of any other House, Lands, or Tenements occupied by the Person or Persons so rated and assessed, and to distrain the Goods and Chattels of such Person or Persons therein or thereon; and if the Sum or Sums for which such Distress shall have been taken shall not be paid within Five Days after such Distress made, together with the Costs of making such Distress, to be ascertained by either of the said Justices, then to sell so much and such Part thereof as shall be sufficient to pay such Amount of Police Tax and Arrears as aforesaid, together with all Costs and Charges attending the said Distress and Sale, returning the Overplus, if any, to the Person or Persons liable so to pay the same: Provided always, that nothing herein-before contained shall be construed to alter or repeal the Provisions made by the said recited Act for the Recovery of any Rate or Assessment upon any House let out in Apartments: Provided also, that when any Sum payable under the said Act in respect of any Rate or Assessment shall be levied off or from or paid by any Person or Persons occupying any House or Tenement whose Lessor or Landlord shall be liable, by reason of any Contract or otherwise, to pay such Rate or Assessment, or occupying Part of any House or Tenement let out in Apartments, such Person or Persons shall and may deduct such Sum from any Rent payable by him, her, or them to the Landlord or Lessor of such House or Tenement; and the Receipt of such Payment shall be a sufficient Discharge for so much of the said Rent, and shall be to all Intents and Purposes a Payment thereof; and if no Rent shall be due at the Time of such Levy or Payment, the Person or Persons paying such Sum, or from whom the same may be levied, shall in such Cases be entitled to and may recover the same from such Lessor or Landlord by Civil Bill, with Treble Costs.

6 & 7 W. 4. c. 29.

This Act not to affect former Provisions as to Lodging Houses.

Tenants paying Rates may deduct them from Rent in certain Cases.

II. And be it enacted, That so much of the said recited Act as enacts, that where any House liable to Assessment under this Act shall be of a less annual Value than Ten Pounds, the immediate Landlord under whom such House may be held shall be rated and assessed to the said Tax, shall be and the same is hereby repealed, save as to any Arrears of any such Assessment now due in respect of any such House or Tenement, and save as to any such House or Tenement which has been let or demised since the passing of the said Act, as to which the said Enactment shall remain in force so long as such Letting or Demise shall continue.

Repeal of Part of s. 9. of 7 W. 4. & 1 Vict. c. 25.

III. Pro-

Where Value of Property does not amount to 5*l.*, the Lessor may be rated instead of the Occupier.

III. Provided always, and be it enacted, That in any Case where the Value of any House or Tenement assessed under this Act shall not amount to Five Pounds, if the Occupier and his immediate Lessor by any Writing under their Hands shall require, and if the said Justices shall by a Minute agree thereto, such immediate Lessor shall be rated instead of such Occupier, and such Rebate from the Rate may be made (not exceeding Ten *per Centum*) as the said Justices shall by such Minute allow; and such Minute, until altered as herein-after provided, shall bind such Lessor, his Heirs and Assigns, unless the said Justices shall at any Time disallow the same or any Part thereof, which shall thenceforth, so far as the same shall be disallowed, be of no Effect; and such Minute shall in no Case be altered or rescinded by the said Justices until Twelve Months after the making or last previous Alteration thereof, nor within Six Months after the Consent of the Occupier and Lessor to be affected by the Alteration shall have been given to such Alteration: Provided nevertheless, that the Occupier of any Property the immediate Lessor of whom shall have been so charged shall be entitled to be rated, on giving to the said Justices Six Months Notice according to the Form contained in the Schedule to this Act annexed.

Rates may be recovered by Action or Civil Bill.

IV. And be it enacted, That it shall and may be lawful for the Receiver appointed under the said recited Acts to sue for, recover, and receive, of and from the Person thereto liable, any Rate or Assessment payable under the Provisions of the said Act or this Act, by Action of Debt or on the Case, or, if not exceeding Twenty Pounds, by Civil Bill in the Court of the Recorder of *Dublin* or Chairman of the Sessions of the Peace for the County of *Dublin*; and for the Purposes of such Action or Civil Bill such Rate or Assessment shall be deemed to be due and payable to such Receiver.

The Book of Assessment, or a compared and certified Copy, to be Evidence of the Contents.

V. And be it enacted, That after the making and signing by the said Justices, or One of them, of every such Assessment, and after the Time for appealing against the same shall have expired, and as to any Matter therein contained which shall be the Subject of Appeal after such Appeal shall have been determined, the original Book or Document of such Assessment, or true and compared Copies of such Assessment, or of so much and such Parts thereof as shall be material or necessary to be given or read in Evidence, (such Copies to be certified by such Justices or One of them,) shall be legal and sufficient Evidence in all Courts and Places of the Contents of such Assessment.

Justices may appoint Valuators.

VI. And whereas it was enacted by the said first-recited Act that the said Justices should from Time to Time, as they found Occasion, by Warrant under their Hands, appoint One or more proper Person or Persons to rate and assess all Houses, Lands, and Tenements situate and being within the said District of *Dublin* Metropolis to such annual Rate as should from Time to Time be fixed and determined by the said Justices, not exceeding the Amount of Eight-pence in the Pound

Pound, according to the full and fair annual Value thereof; and that every such Assessor or Assessors should, within Forty Days after the Delivery to him or them of the Warrant of his or their Appointment, deliver to the said Justices an Assessment for each Place named in such Warrant, which Assessment should specify the Names of the several Owners or Occupiers of the respective Houses, Lands, and Tenements comprised in such Assessment, the full and fair annual Value of the same, and the Amount of Police Tax chargeable thereon respectively; and it was also provided by the said Act that all Houses, Lands, and Tenements included in the General Valuation made of the City of *Dublin*, pursuant to an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for valuing the Houses situate in and near the City of* Dublin, *and for the more equal Payment of the local Taxes there*, should, so far as such Valuation might be applicable to the Purposes of the said recited Act, be valued, rated, and assessed to the said Police Tax according to their respective annual Values, as set forth in such Valuation, and that the said Assessors should adopt the same, and rate such Houses, Lands, and Tenements accordingly, unless where, upon Appeal from any Assessment made under the said first-recited Act in manner therein-after mentioned, it should have been determined that the said Valuation was erroneous: And whereas the said General Valuation made pursuant to the said Act of the Fifth Year of the Reign of King *George* the Fourth has been found to be erroneous to a great Extent, and the same cannot, under the herein-before recited Enactments, be amended, except upon Appeal, and it is therefore necessary to enable the said Justices to correct such Valuation, and it is also expedient to enable them to make a Valuation of any House, Lands, and Tenements not included in such General Valuation which they may think necessary, previous to the Imposition of the Rates and Taxes which by the said Act they are authorized to levy; be it therefore enacted, That it shall and may be lawful for the said Justices from Time to Time as they shall think fit, by Warrant under their Hands, to appoint One or more proper Person or Persons as Valuator or Valuators to ascertain the full and fair annual Value of all and every or any of the Houses, Lands, and Tenements liable to Assessment under the said Act, whether included or not included in the said General Valuation, and, if they shall so think fit, to annex a Schedule to such Warrant specifying the Houses, Lands, and Tenements which such Valuator or Valuators shall value; and the Valuator or Valuators so appointed shall for that Purpose have all such Powers and Authorities as by the said Act passed in the Fifth Year of the Reign of King *George* the Fourth were conferred upon the Persons appointed to make the Valuation thereby authorized, and shall, within such Period as the said Justices shall direct, return such Valuation to them, and verify the same upon Oath (which Oath the said Justices, or either of them, are or is hereby authorized to administer); and every such Valuation, so far as the same shall extend, shall, subject to such Appeal as herein-after mentioned from any Assessment founded in the whole or in part on such Valuation, be, as to the Houses, Lands, and Tenements comprised therein, adopted in making the Assessment which

5 G. 4. c. cxviii.

the said Justices are or shall be authorized to make or direct to be made under the said Act or this Act.

Justices to assess Property according to Value set forth by the Valuators.

VII. And be it enacted, That the said Justices shall from Time to Time rate and assess or cause to be rated and assessed all Houses, Lands, and Tenements so valued by the Valuator or Valuators appointed under this Act according to the Value or Values as returned by the said Valuator or Valuators, not exceeding Eight-pence in the Pound on such Values, and shall also rate or assess or cause to be rated and assessed all Houses, Lands, and Tenements not valued as aforesaid by the Valuator or Valuators appointed under this Act according to the Value of such Houses, Lands, and Tenements set forth or adopted in the Assessment which shall have been then last delivered to the said Justices by the Assessors who were appointed under the first-recited Act, or shall have been then last made under the said Act or this Act, subject to such Appeal as herein-after mentioned.

The Valuation for the Poor Rate may be adopted.

VIII. And be it enacted, That it shall and may be lawful for the said Justices, if they shall so think fit, to direct any Houses, Lands, or Tenements liable to Assessment as aforesaid to be assessed to the said Police Tax according to the Valuation (so far as the same may be applicable) which shall have been made under or for the Purposes of an Act passed in the last Session of Parliament, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland; and in case of any such Direction, the said last-mentioned Valuation shall be adopted from Time to Time in so rating and assessing by virtue of this Act, and shall be valid for the Purposes of this Act and the said recited Act, any thing herein or therein contained to the contrary notwithstanding; and for the Purposes aforesaid it shall be lawful for the said Justices, or for any Person by their Authority, to inspect and take Copies or Extracts from any Rate or Assessment made by virtue of the said last-mentioned Act which shall include any Property situate within the Police District of *Dublin* Metropolis.

1 & 2 Vict. c 56.

Assessment to be signed by the Justices or One of them.

IX. Provided always, and be it enacted, That every Assessment made by virtue of this Act shall be signed by the said Justices or One of them; and that when any such Assessment shall have been made and signed as aforesaid the said Justices shall cause such Notice to be given of such Assessment, and of a Place wherein the same may be inspected, as is directed by the said recited Act with respect to any Assessment made thereunder; and every such Assessment shall have the same Effect and be subject to the like Appeal as any Assessment made or which might have been made by virtue of the said Act; and all the Provisions of the said Act with reference to any Assessment made by virtue thereof, whether as to the Jurisdiction, Manner, Time, and Grounds of Appeal therefrom, or as to the Costs of such Appeal, or as to the Levy or Collection of the Tax charged in any such Assessment, or as to any Penalty imposed upon any Person having Custody of any such Assessment, or otherwise in relation to any such Assessment or Tax, or to any Proceedings relating

Provisions of 7 W. 4. & 1 Vict. c. 25. to apply to Assessments under this Act, save as otherwise provided.

relating thereto or consequent thereon, shall extend and apply to and in respect of any Assessment to be made by virtue of this Act, and to the Tax thereby charged, as if the same were respectively hereby re-enacted, save so far as the same are hereby altered, or so far as the same may be inconsistent with the Provisions of this Act: Provided always, that the Person thinking himself aggrieved by any Assessment made by virtue of this Act may appeal in the Manner in the said Act directed to the next Court of General or Quarter Sessions which shall be holden for the County of the City of *Dublin*, not less than Thirty-one Days after public Notice of such Assessment shall have been given, instead of Twenty-one Days as specified in the said Act.

What public Buildings shall be assessed. 47 G. 3. Sess. 2. c. 109. (Local.)

X. And be it enacted, That all public Buildings liable to be rated and assessed for the Purposes of an Act passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and Environs thereof*, and of an Act passed in the Fifty-fourth Year of the Reign of His said late Majesty, to explain and amend the said Act of the Forty-seventh Year of the Reign of His said late Majesty, or of either of the said Acts, shall be rated and assessed for the Purposes of and in the Manner directed by the said first-recited Act or this Act: Provided always, that for the Purposes of this Act the Exemption of charitable Establishments from any Rate or Assessment as specified in the said Act of the Fifty-fourth Year of the Reign of His said late Majesty shall extend to any Charity School or Building used exclusively for the Education of the Poor.

All Fines and Penalties to be paid to the Receiver of the Police.

XI. And be it enacted, That in all Cases in which any Fines, Penalties, or Forfeitures, or Shares of Fines, Penalties, or Forfeitures, are by any Law now in force or shall hereafter be limited and made payable to Her Majesty and Her Heirs and Successors, or to any Description of Persons (other than the Informer who shall sue for the same, or the Party aggrieved), and which shall be recoverable by or before any of the Divisional Justices of the Police District of *Dublin* Metropolis, shall be accounted for and paid into the Hands of the Receiver of the Police District of *Dublin* Metropolis, to be applied by the said Receiver towards defraying the Expences of the Police Establishment of the said District: Provided always, that nothing herein contained shall extend or apply to any Fine, Penalty, or Forfeiture provided for by any Act which may be passed in the present Session of Parliament for explaining and amending an Act of the First and Second Years of Her present Majesty, so far as relates to Fines and Penalties levied under the Revenue Laws in *Ireland*.

Divisional Justices may be employed to hear Complaints under Hackney Coach Acts.

XII. And be it enacted, That the Divisional Justices of the Police District of *Dublin* Metropolis shall, from and after the passing of this Act, have and exercise all such Rights, Powers, Privileges, Jurisdictions, and Authorities as are or may be had or exercised by the Divisional Justices of the Division in which the Castle of *Dublin* is situate in relation to Hackney and other Carriages, or any Vehicles whatsoever,

or the Owners or Drivers thereof, or in relation to any Offence or Offences prohibited by a Penalty or Penalties imposed by or recoverable under any Act or Bye Law now in force, or which shall hereafter be passed or made, relating to Hackney and other Carriages, or any Vehicles whatsoever, or the Owners or Drivers thereof; and every or any One or more of the Divisional Justices of the said Police District of *Dublin* Metropolis shall attend, for the Purpose of hearing and determining Complaints in relation to any such Offences or Penalties as aforesaid, at such Place or Places within the said Police District, and at such Time or Times, as he or they may be from Time to Time directed and required by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Chief Secretary or Under Secretary, or according to any general Directions to be from Time to Time given by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

When Actions are brought against Constables the General Issue may be pleaded.

XIII. Provided always, and be it enacted, That when any Action shall be brought against any Constable appointed under the herein-before recited Act of the Sixth and Seventh Years of the Reign of His late Majesty for any Act done in obedience to a Warrant addressed to him to be executed, such Constable shall not be responsible for any Irregularity in the issuing of such Warrant, or for any Want of Jurisdiction in the Party issuing the same; and such Constable may plead the General Issue, and give such Warrant in Evidence, and upon producing such Warrant and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subs ribed thereto, and that such Person has acted in the Capacity in virtue of which he may have signed the Warrant, and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable, and such Constable shall recover his Costs of Suit.

The Lord Lieutenant and Council may direct any Parishes within a certain Distance of the Metropolis to be added to the District; and such Parishes, when so added, shall be subject to all the Provisions of this Act.

XIV. And whereas the first herein-recited Act contains an Enactment in the Words following: "And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, by the Advice of His Majesty's Privy Council for *Ireland*, to order that any Parish or Place in the County of *Dublin* or County of the City of *Dublin*, of which Parish or Place any Part shall be situate within the Limits or Boundary described in the said Schedule, shall, after a certain Day to be named in such Order, be added to and form Part of the said Police District, and thereupon, and by force of such Order, such Parish or Place shall be and become to all Intents and Purposes Part of such Police District, as if the same had been originally included therein by virtue of this Act: And whereas it is expedient to amend the said Enactment; be it therefore enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time, by the Advice of the said Privy Council, to order that any Parish or Place or Places in the County of *Dublin* or County of the City of *Dublin*, of which any Part shall be on the South Side of that Portion of the River *Anna Liffey* which is Eastward of Her Majesty's Castle of *Dublin*, or on the South Side of the Bay or Harbour of *Dublin*, and

and shall be within Eight Miles of Her Majesty's said Castle of *Dublin*, and within Four Miles of the said River or Bay or Harbour, shall, after a certain Day to be named in such Order, be added to and form Part of the said Metropolitan Police District, and thereupon, and by force of such Order, such Parish or Place or Places shall be and become to all Intents and Purposes Part of such Police District, as if the same had been originally included in such District by virtue of the said Act.

Mad Dogs, &c.

XV. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police Force to destroy any Dog or other Animal reasonably suspected to be in a rabid State, or which has been bitten by any Dog or Animal reasonably suspected to be in a rabid State; and the Owner of any such Dog or Animal who shall permit the same to go at large after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall, on being convicted thereof by any Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, with Costs, if such Justice shall award the same; and in default of Payment of such Penalty and Costs, if awarded, immediately, or within such Time as such Justice shall appoint, such Justice shall and may commit the Person so convicted to the Common Gaol or House of Correction, to be there imprisoned for any Term not exceeding Two Calendar Months, unless such Penalty and such Costs, if awarded, be sooner paid.

Justices may issue Warrant for Levy of Penalty, &c.

XVI. And be it enacted, That in any Case arising within the Police District of *Dublin* Metropolis it shall and may be lawful for any Justice or Justices of the Peace to issue his or their Warrant to any Superintendent, Inspector, or Serjeant, being a Constable of Police for the said District, and his and their Assistants, for the Levy of any Penalty or the Committal of any Person, in the Form and Manner directed by the Act under which the Penalty has been or shall have been imposed.

Amount levied to be lodged in Bank of Ireland, &c.

XVII. And be it also enacted, That the said Justices shall lodge the Amount levied under or by virtue of every such Warrant with the Justices appointed under the said Act of the Sixth and Seventh Years of His said late Majesty King *William* the Fourth, and shall make out and transmit to the said last-mentioned Justices, in such Form and at such Times and verified in such Manner as the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland* shall direct or require, a just and true Account of all Fines, Penalties, Deodands or Amerciaments, Recognizances or Issues, imposed, estreated, or directed to be levied in their respective Courts or Offices, or by them respectively, together with an Account of the Amount levied, and the Application and Distribution thereof, as also the Cause of the Non-execution of any Warrant which shall not have been executed; and the said Justices so appointed under the said last-recited Act shall lodge the Amount so received by them in the Bank of *Ireland* to the Credit of the Paymaster of Civil Services in *Ireland*, to be distributed

tributed in the Manner directed by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated in* Ireland, *and for the Application and Distribution thereof;* and the said last-mentioned Justices shall account to the said Chief Remembrancer, in such Manner and Form and at such Periods as he shall direct, for the Amount so lodged by them; and the said Chief Remembrancer shall have the same Power and Authority for issuing to the Justice or Justices by whom the aforesaid Warrants shall have been issued any Warrant or Warrants as the said Chief Remembrancer is authorized and empowered to issue by virtue of the said last-mentioned Act to any Sub-Inspector or Justice of the Peace. 1 & 2 Vict. c. 99.

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

The SCHEDULE to which the foregoing Act refers.

I *A.B.* Occupier of [*describe the Property as nearly as possible in the Manner in which it is described in the Valuation*], in respect of which *B.C.* [*the Lessor*] is now rated, hereby require to be rated as the Occupier of the same; and I do hereby undertake to pay all Rates lawfully made in respect of such Property under the Authority of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her Majesty Queen Victoria, to make further Provisions relating to the Police in the District of Dublin Metropolis.

A.B.

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