CHAPTER ccxxxii.

An Act to incorporate a Company for the establishment, maintenance, and regulation of a Market on the south side of the city of Dublin, and for facilitating the approach thereto by the alteration, diversion, and widening of existing streets adjoining or near thereto; and for other purposes. [11th August 1876.]

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WHEREAS the establishment of a market for the sale of meat, fish, poultry, game, milk, butter, eggs, cheese, fruit, vegetables, goods, wares, manufactures, and other marketable commodities in a convenient position, partly in the parish of Saint Andrew and partly in the parish of Saint Bridget, on the south side of the city of Dublin, would be of great advantage to the persons resident in Dublin and in the immediate neighbourhood thereof:

And whereas the several persons herein-after in that behalf mentioned are desirous of forming themselves into a company, together with others, for the purpose of establishing, maintaining, and regulating such a market, and of forming, constructing, and maintaining market-places, market-houses, buildings, shops, stalls, works, conveniences, and appurtenances therein and connected therewith, and it is expedient that they should be incorporated accordingly, and should be empowered to effect the said objects, and to facilitate the approach to such market by making new streets and footways, and by widening and improving existing streets adjoining or near thereto, and that they should have power to take and hold lands for the purposes of this Act, and such other powers as are by this Act conferred upon them:

And whereas it is expedient that the Right Honourable the Lord Mayor, aldermen, and burgesses of the city of Dublin should, subject to the provisions of this Act, be enabled to purchase the said market, and all market-places, market-houses, and other property, real and personal, and all rights, powers, and privileges of the

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Company by this Act incorporated in respect thereto, and that provision should be made for the dissolution of the said Company in such case:

And whereas a plan describing the line and situation of the intended new streets and improved and altered streets, and of the lands and houses authorised to be taken compulsorily under this Act, and sections showing the levels of the intended new streets and improved and altered streets, with a book of reference to the plan, have been deposited with the clerk of the peace for the county of the city of Dublin (which said plan, sections, and book of reference are in this Act referred to as the deposited plan, sections, and book of reference):

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Dublin (South) City Market Act, 1876."

Interpretation of terms.

2. In this Act—

The term "the Company" shall mean the Dublin (South) City Market Company incorporated by this Act:

The term "the corporation" shall mean the Right Honourable the Lord Mayor, aldermen, and burgesses of the city of Dublin:

The term "the market" shall mean the Dublin (South) City Market, and all market-places and market-houses, and all dwelling-houses, buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein or connected therewith as by this Act authorised:

The term "the market undertaking" shall mean the market and all other the property, real and personal, of the Company, and all the powers, rights, privileges, claims, and demands of the Company in respect thereof under this Act:

The term "the Lands Clauses Acts" shall mean "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act":

The term "the Dublin Improvement Acts" shall mean "The Dublin Improvement Act, 1849," and the Acts altering, amending, or affecting the same for the time being in force:

The term "justice" shall mean one of the divisional justices of the police district of Dublin metropolis.

Provisions of certain general Acts incorporated.

3. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," the Lands Clauses Acts, and "The Market and Fairs Clauses Act, 1847"; the provisions of "The Dublin Improvement Act, 1849," and the provisions of "The Towns Improvement Clauses Act, 1847," with respect to the building of houses, frontages, levels for drainage, safety of buildings, and sanitary arrangements, and the making of new streets, and the alteration and improvement of existing streets, except where the same are expressly altered or varied by this Act, are incorporated with and shall form portion of this Act.

Company incorporated.

4. Maurice Brooks, Thomas Kingston Austin, William McComas, Thomas Pim the younger, and Thomas Dockrell, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of establishing and regulating the market, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of the "Dublin (South) City Market Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, sell, and otherwise dispose of lands and other property for the purposes but subject to the restrictions of this Act, and to carry this Act in all respects into execution.

Capital.

5. The capital of the Company shall be two hundred thousand pounds, divided into twenty thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

6. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts on behalf of disqualified persons.

8. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Power to borrow on mortgage.

9. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifty thousand pounds; but no part thereof shall be borrowed until the whole capital of two hundred thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

10. The mortgagees of the Company may enforce payment of arrears of principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

11. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

12. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

13. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors.

14. The number of directors shall not be more than nine nor less than five.

Qualification of directors.

15. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum.

16. The quorum of a meeting of directors shall be three.

First directors and election of directors.

17. Maurice Brooks, Thomas Kingston Austin, William McComas, Thomas Pim the younger, and Thomas Dockrell shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy (subject to the power herein-before contained for varying the number of directors) shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to Company to provide market-place.

18. The Company, upon the lands delineated on the deposited plan and described in the deposited book of reference, when they shall have acquired the same, and within such limits as they may think fit, may establish, maintain, and regulate a market to be called "The Dublin (South) City Market," and may form, construct, maintain, and regulate such market-places and market-houses, and all such dwelling-houses, buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein or connected therewith as they think fit for the sale of meat, fish, poultry, game, milk, butter, eggs, cheese, fruit, vegetables, goods, wares, and manufactures and other marketable commodities, and may from time to time appropriate the same respectively for the sale therein of any of the said commodities or for such other purposes of this Act as they think fit.

Power to Company to enlarge market-place.

19. If and whenever the Company so think fit, they may, subject to the provisions of this Act, appropriate any of the lands acquired by them under the authority of this Act for any of the purposes

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following; (that is to say,) for enlarging and improving the market, and any such market-places, market-houses, dwelling-houses, buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein or connected therewith, and they may maintain and regulate the same when so enlarged and improved.

Power to Company to license porters, &c.

20. The Company from time to time may license for such times as they may think fit (not exceeding one year) any number of porters, basket men, basket women, barrow men, and barrow women they think proper to ply for hire and to be employed in and about the market, and no person shall ply for hire there as a porter, basket man, basket woman, barrow man, or barrow woman without being so licensed as aforesaid, under a penalty not exceeding twenty shillings for every such offence; and the porters, basket men, basket women, barrow men, and barrow women shall be subject to all byelaws for their regulation and government from time to time made by the Company, but such prohibition shall not apply to any such person hired elsewhere than in or about the said market, or acting in any such capacity outside the limits thereof, or to any servant of a purchaser or vendor within the market.

Fee for license.

21. Every such license shall be issued for a sum not exceeding three shillings for one year, and such sum shall be paid to the Company by or on behalf of the person to whom such license shall be issued.

Power to Company to appoint superintendents, &c.

22. The Company may from time to time appoint such persons as they may think necessary to superintend the market, and such officers and servants as they may think requisite for the execution of this Act, and may from time to time remove the same.

After market is opened no person to hawk within certain limits.

23. From and after the time when the market shall be opened for public use, no person (except an auctioneer selling by auction in any other than the public streets) shall sell or expose for sale in any place within the limits following; (that is to say,) Dame Street, Trinity Street, Saint Andrew Street, Saint Andrew Lane, and Dame Lane, being wholly in the parish of Saint Andrew aforesaid; South Great Georges Street and Exchequer Street, partly in the parish of Saint Andrew and partly in the parish of Saint Bridget; Drury Lane and Fade Street, in the parish of Saint Bridget; Stephen Street Lower, partly in the parish of Saint Bridget and partly in the parish, of Saint Peter, and William Street, partly in the parish of Saint Bridget aforesaid and partly in the parish of Saint Anne, and Aungier Street, in the said parish of Saint Anne, all being situate in the county of the city of Dublin, and being the several streets circumscribing or abutting on the said market, or the approaches

thereto, other than in the market, or in his own dwelling-house, shop, warehouse, or inclosed yard or store, any commodity whatever which may be sold in the market under the provisions of this Act, or in respect of which rents or tolls are by this Act authorised to be taken, and any person offending against the provisions of this section shall be liable to a penalty of forty shillings for every such offence.

When market open Company may remove nuisances and obstructions.

24. After the market shall be opened for public use it shall be lawful for the Company, or any inspector or other person appointed by them to keep order in the market and the several approaches thereto, and for any such inspector or person as aforesaid, or any constable or policeman, to summons before a justice any person causing or creating any nuisance or obstruction, or being drunk or using obscene or profane language within the market.

Erection of slaughter-houses prohibited.

25. It shall not be lawful for the Company to erect or maintain any slaughter-house or slaughter-houses or any place for the slaughter of cattle within the municipal boundary of the city of Dublin without having first obtained the permission in writing of the corporation.

Power to make new streets, &c. according to deposited plan.

26. Subject to the provisions of this Act, the Company may, in the situation and on the levels shown on the deposited plan and sections, and within the limits of deviation shown on that said plan, lay out, make, and maintain the several works herein-after described; (that is to say,)

(A.) The widening of the street or road known as South Great Georges Street, on the eastern side thereof, such widening to commence at or near the northern boundary of the premises known as No. 23, Dame Street, and to terminate at or near the southern boundary of the premises known as No. 57, Stephen Street Lower:

(B.) The widening of the street or road known as Stephen Street Lower, on the northern side thereof, such widening to commence at or near the eastern boundary of the premises known as No. 57, Stephen Street Lower, and to terminate at or near the eastern boundary of the premises known as No. 43, Stephen Street Lower:

(C.) The widening of the street or road known as Drury Lane, on the western side thereof, such widening to commence at or near the southern boundary of the premises known as No. 43, Stephen Street Lower, and to terminate at or near the northern boundary of the premises known as No. 16, Exchequer Street:

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(D.) The widening of the street or road known as Drury Lane, on the eastern side thereof, such widening to commence at or near the northern boundary of the premises known as No. 17, Exchequer Street, and to terminate at or near the southern boundary of same premises:

(E.) The widening of the street or road known as Saint Andrew's Lane, on the western side thereof, such widening to extend for a length of 62 yards, or thereabouts, from its commencement at or near the southern boundary of the premises known as No. 27, Exchequer Street:

(F.) The widening of the street or road known as Dame Lane, on the southern side thereof, such widening to commence at or near the eastern boundary of the premises known as No. 15, Trinity Street, and to terminate at or near the western boundary of the premises known as No. 3, South Great Georges Street:

(G.) The alteration, diversion, and widening of the street or road known as Exchequer Street; the imaginary centre line of such diversion will at its point of commencement coincide with the point of intersection of the imaginary centre lines of William Street and Saint Andrew Street, and at its point of termination in the centre of South Great Georges Street will be distant twenty yards from and on the north side of the point of intersection of the imaginary centre lines of Exchequer Street and South Great Georges Street, and the centre line of said diversion will be for its entire length a straight line:

(H.) The stopping up, closing, appropriation, diversion, and use of any of the following streets, roads, or any one or more of them; that is to say, Castle Market, Royal Row, Joseph Lane, Dame Court, Trinity Place, and all existing rights of way and passages included within the limits of deviation defined on the plans referred to herein:

And all the streets mentioned in this section when and as widened, altered, or diverted shall vest in the corporation.

Application of road material excavated by Company.

27. Any paving, metalling, material, matter, or substance excavated by the Company from any street under the authority of this Act may be used by them in making the new streets, and the improvements and alterations in existing streets, and any such paving, metalling, material, matter, or substances not required or used for such purposes shall remain vested in the corporation.

Power to deviate from levels, &c.

28. In making the alterations, diversions, and widenings in existing streets, and the works connected therewith, or any of them, the Company may deviate to an extent not exceeding three feet

from the levels shown on the deposited sections, and may deviate laterally from the lines shown on the deposited plan within the limits of deviation shown on that plan, and the Company may deviate beyond the last-mentioned limits with the consent of the person through whose lands any such deviation is to be made.

Power to make subsidiary works, first providing proper substitutes for sewers.

29. Subject to the provisions of this Act, and in accordance with the deposited plan or within the limits thereon defined, the Company, in connexion with the new streets and the improvements and alterations in existing streets and works connected therewith, or any of them, and for the purposes thereof, and as part of the works by this Act authorised, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new streets or improvements or alterations in existing streets and works connected therewith, or any of them, and may make diversions, widenings, or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the new or improved or altered streets or works connected therewith, or of crossing under or over the same respectively or otherwise, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any stream, drain, sewer, watercourse, void ground, or other property, the Company providing a proper substitute before interrupting the flow of sewage in any drain or sewer, and making compensation in manner provided by the Lands Clauses Acts: Provided always, that the lines and levels of the proposed frontage of the streets proposed to be widened, altered, or diverted under the powers of this Act shall be the same as laid down on the deposited plans and coloured red; and no deviation therefrom shall be made without the consent in writing of the corporation: Provided further, that all buildings erected to front South Great Georges Street, Dame Lane, Exchequer Street, Drury Lane, and Fade Street shall be of brick or stone of a substantial character.

Notice to be served on engineer or other officer of the corporation before stopping up streets, &c.

30. Before the Company proceed temporarily to stop up, alter, or divert any street, lane, passage, sewer, drain, or water pipe, they shall give to the engineer or other officer of the corporation, under whose control or management the same may be, notice in writing of their intention to stop up, alter, or divert the same not less than three clear days before beginning so to do, and no such street, lane, passage, sewer, drain, or water pipe shall be stopped up, altered, or diverted except under the regulations and according to such plan as shall be approved of by such engineer or other officer: Provided

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always, that if such engineer or other officer fail to attend at the time fixed for the temporary stopping up, alteration, or diversion of such street, lane, passage, sewer, drain, or water pipe, after having had such notice of the intention of the Company as aforesaid, or shall not propose any plan for the same, or shall refuse or neglect to superintend the operation, the Company may perform the works specified in such notice without the superintendence of such engineer or other officer.

Streets, &c. broken up to be reinstated without delay.

31. When the Company temporarily stop up, alter, or divert any such street, lane, passage, sewer, drain, or water pipe as aforesaid, they shall with all convenient speed complete the work for which the same shall be interfered with, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or water pipe so stopped up, altered, or diverted, and carry away the rubbish occasioned thereby, and shall at all times whilst any such street, lane, or passage shall be so stopped up or interfered with cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such street, lane, or passage where the same shall be stopped up or interfered with every night during which the same shall be stopped up or interfered with, and shall keep any road or pavement which has been broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for default in respect of temporary diversions, &c.

32. If the Company make default in complying with any of the provisions of the two next preceding sections they shall forfeit to the corporation a penalty not exceeding five pounds for each day during which any such default as aforesaid shall continue after they shall have received notice thereof.

In case of delay engineer may reinstate and recover the expenses.

33. If any such default as last aforesaid be made, the engineer or other officer of the corporation having the control or management of the street, lane, passage, sewer, drain, or water pipe in respect of which such default shall be made may cause such default to be remedied, and any work made necessary thereby to be executed, and the expense of remedying such default or executing such work shall be repaid to such engineer or other officer by the Company, and accounted for by him to the corporation, and such expenses may be recovered in the same manner as damages are recoverable under this Act.

Alterations of gas pipes, &c.

34. In executing any works by this Act authorised the Company may raise, sink, or otherwise alter the position of any gas

pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any main or other pipe laid down or used for carrying a supply of gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Corporation and Company may contract for making and paving roads, &c.

35. The corporation on the one hand and the Company on the other hand may from time to time enter into, carry into effect, and from time to time alter, renew, or vary contracts, agreements, or arrangements with respect to the making or paving of the whole or any portion of the roadway of any streets made, improved, or altered by the Company under this Act, and the proportion to be paid by either of them for the expense of such making and paving as aforesaid.

Power to take lands.

36. Subject to the provisions of this Act, the Company may from time to time enter upon, take, and use such of the lands shown on the deposited plan and described in the deposited book of reference as they shall think fit.

Company may extinguish rights of way over streets and footpaths on land acquired.

37. The Company may remove, destroy, stop up, inclose, use and appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any void ground or other property situate or being in, over, or upon any lands acquired by them under the powers of this Act shown on the deposited plan and described in the deposited book of reference, and thereupon all rights of way over the same shall be extinguished.

Correction of errors as to lands.

38. If any omission, mis-statement, or wrong description of any lands, or of any owner, lessee, or occupier of any lands described in or intended or purporting to be described in the deposited plan and book of reference be discovered, the following provisions shall have effect; that is to say,

The Company may apply to a justice for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction:

If it appear to such justice that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description:

The certificate shall be deposited with the clerk of the peace for the county of the city of Dublin, who shall safely keep the

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same in like manner and subject to the like regulations as the deposited plan and book of reference:

Thereupon the deposited plan and book of reference shall be deemed to be corrected according to the certificate, and the Company may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description:

A copy of or an extract from such certificate, purporting to be under the hand of the clerk of the peace aforesaid, (which copy or extract he shall give when required under his hand to any person interested,) shall be conclusive evidence of such correction.

Consideration for acquisition.

39. The consideration for any acquisition of lands, easements, powers, or privileges by the Company under this Act may be either money or land, or a mixed consideration of money and land, and on any exchange the Company may give or take any money for equality of exchange.

Power to take easements, &c. by agreement.

40. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Extinguishment of rights of market (if any), and other rights, easements, &c.

41. When and so soon as the Company have acquired any of the lands delineated on the deposited plan and described in the deposited book of reference, all franchises, liberties, and rights of market (if any) in respect of or upon such lands existing at the time of such acquisition, and all other easements, powers, or privileges (not otherwise expressly provided for by this Act) in, under, or upon the said lands shall be extinguished, and shall cease to be exercised by any person. In case any person shall within three months after the acquisition of such lands by the Company claim any compensation on account of any such franchise, liberty, right of market, easement, power, or privilege in respect of or upon such lands, then and in such case the claim of such person to such franchise, liberty, right of market, easement, power, or privilege,

and (if the same shall be decided to be just) to any compensation in respect thereof, shall be decided by an arbitrator to be appointed in manner prescribed by "The Railways (Ireland) Act, 1851," for the appointment of an arbitrator to adjudicate upon the compensation to be paid for lands, and such arbitrator shall have in respect of the matters to be decided by him and to the costs of the proceedings before him full and absolute power.

Notice to be given of taking houses of labouring classes.

42. The Company shall, not less than eight weeks before they take fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

43. Before taking fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation for such person or persons; provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Company may apply for the purposes of this section any moneys which may be raised under the authority of this Act.

Limitation of time for compulsory purchase of lands.

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

Time for completion of works.

45. If the market, new streets, improvements, and alterations in existing streets and works connected therewith by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers of this Act granted to the Company for making and completing, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed.

Certain properties not to be acquired.

46. The Company shall not acquire the properties numbered 50 and 51 on the deposited plans and books of reference in the parish of Saint Andrew.

Compulsory powers over certain properties not to be exercised until market commenced.

47. The compulsory powers conferred by this Act over the properties numbered from 186 to 220, both inclusive, in the deposited plans and books of reference in the parish of Saint Bridget's shall not be exercised until after the market has been commenced.

Power to appropriate certain lands, &c.

48. The Company may from time to time appropriate any of the lands, houses, or property acquired by them under the provisions of this Act, and not required by them for the purposes of the market or new streets, or improvements and alterations in existing streets, and other works connected therewith, to any of the purposes following; (that is to say,) they may sell or dispose of the said lands, houses, and property, or grant leases of the same or any part thereof on such terms and subject to such conditions as they may think fit, or they may take down any part of the buildings situated on such lands, and may sell and dispose of the materials thereof, and may lay out the said lands anew and in such way and manner as they may deem best, or they may upon such lands as aforesaid erect buildings and houses for the accommodation of the members of the labouring classes displaced by them under the powers of this Act, or for any other purpose whatsoever, and may let such buildings and houses when erected, or any of them, and grant leases of the same, or any of them, or may sell and dispose thereof or exchange the same at or for such rents or considerations, and upon such terms and subject to such conditions as they think fit, and may provide for the making of streets, approaches, accesses, subways, and communications in, through, over, under, with, or to such lands. All moneys from time to time received by the Company in respect of such lands, houses, or property shall be the property of the Company.

Market tolls.

49. The Company from time to time may demand and take from any person bringing into the market any meat, fish, poultry, game, milk, butter, eggs, cheese, fruit, vegetables, goods, wares, manufactures, or other marketable commodities, or occupying or using any shop, stall, standing, shed, station, or place or convenience within such market, after the same or a sufficient portion shall have been opened for public use, such tolls as the Company may from time to time appoint, not exceeding the market tolls respectively specified in the First and Second Schedules to this Act annexed.

Market tolls for stalls, &c. payable by successive occupiers.

50. The several tolls payable in respect of the occupation or user of any shop, stall, shed, standing, station, place, or convenience shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it for a whole day, but also by any

subsequent taker or occupier of the same for any subsequent part of the same day. A.D. 1876.

Weighing and measuring tolls.

51. The Company from time to time may demand and take for the weighing or measuring of any article sold or brought for sale by weight or measure in or into the market, from any person having the article weighed or measured at any weighing-house or place for weighing or measuring provided by the Company, any tolls not exceeding the weighing and measuring tolls respectively specified in the Third Schedule to this Act annexed, and such tolls shall be paid before any such article is weighed or measured.

Tolls vested in the Company.

52. The several tolls which by this Act are authorised to be demanded and taken by the Company are by this Act vested in the Company for their own benefit.

Leases of tolls.

53. The Company from time to time may let to any person all or any of the tolls from time to time payable to them under this Act, and either with or separate from all or any of the works and conveniences of the Company, on such terms and subject to such conditions as the Company and such person may agree to.

Tolls to be taken by lessees, &c.

54. The several tolls respectively specified in the several schedules to this Act annexed may be demanded and taken by the officers of the Company, and by the lessees of the Company and their officers respectively.

Leases of stalls, weighing-houses, &c.

55. The Company from time to time may let all or any of the market-places, market-houses, stalls, shops, sheds, standings, stations, weighing-houses, places for weighing or measuring, and other places and conveniences, and the dwelling-houses, buildings, and grounds in the market or connected therewith to any person on such terms and subject to such conditions as the Company and such person may agree on, and except where otherwise expressly provided the term for which any such premises may be let shall be determinable by one week's notice, and in case any person shall after the expiration of one week after the service of such notice to quit by the Company refuse or neglect to deliver possession of such premises to the Company or their agent, the Company may, in addition to their other remedies in such cases, recover the possession thereof by summary proceedings before a justice, in manner prescribed by "The Summary Jurisdiction (Ireland) Act, 1851," with respect to the decision of claims to the possession of small tenements.

Assignment of leases.

56. The lessee of any toll, market-place, market-house, dwelling-house, building, ground, stall, shop, shed, standing, station, weighing-

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house, place for weighing or measuring, or other place or convenience, or his executors, administrators, and assigns, may, with but not without the consent of the Company, assign the same for the residue of his term.

Recovery of rents by distress.

57. All tolls and rents or other moneys due to the Company, and all damages, costs, and expenses payable to them under this Act may be levied by distress, and any justice on application of the Company shall issue his warrant accordingly.

Costs of distress.

58. Any justice who issues any warrant of distress for the recovery of any money due or payable to the Company under this Act may order that the costs of the proceedings for the recovery of the money be paid by the person liable to pay the money, and the costs shall be ascertained by the justice and included in the warrant of distress for the recovery of the money.

Recovery of rents, &c. otherwise than by distress.

59. Nothing in this Act shall prevent the Company from recovering any toll, rent, or other money due or payable to them in any court of competent jurisdiction, or by any other lawful means.

Application of penalties.

60. The justice by whom any penalty is imposed under this Act shall award the same to the guardians of the poor of the South Dublin Union to be applied in aid of the poor rates of such union.

Power to corporation to purchase undertaking.

61. If at any time after the passing of this Act the corporation shall express in writing under their corporate seal to the Company their desire to become the owners of the market undertaking and works connected therewith, and if the Company shall agree to the terms proposed or accepted by the corporation, the Company shall be at liberty and are hereby authorised to enter into an agreement for the sale and transfer of the market undertaking and works connected therewith to the corporation upon such terms; and in the event of the Company not agreeing to the terms proposed by the corporation, the Company shall enter into an agreement for the sale and transfer of the market undertaking and works connected therewith to the corporation upon the terms and for such purchase money or compensation as shall be ascertained under and in manner provided by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands. The sale and transfer by the Company of their market undertaking to the corporation under this Act shall be witnessed by a deed of transfer duly stamped, and on the execution thereof by the Company the market undertaking of the Company shall by virtue thereof and of this Act be transferred to and vested in the corporation, and the

corporation shall thereupon have, hold, use, and enjoy the market undertaking in as full, ample, and beneficial a manner as the Company immediately before such sale and transfer had held, used, and enjoyed the same.

Corporation may acquire undertaking.

62. If at any time within two months after the passing of this Act the corporation shall express in writing under their corporate seal to the Company their desire to become owners of the market undertaking on the payment of all costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, the Company shall thereupon sell to the corporation all the powers conferred by this Act, and the name of the corporation shall be substituted for the name of the Company.

Power to corporation to raise funds under Dublin Improvement Act.

63. The corporation may and they are hereby empowered to raise the necessary funds for the said purchase under the powers and privileges conferred upon the council by the Dublin Improvement Acts and this Act as if the market undertaking had been a market existing at the time of the passing of "The Dublin Improvement Act, 1849."

Power to the corporation to raise moneys for purposes of the Act.

64. In addition to any other means for raising moneys for the purpose of this Act, the corporation from time to time may borrow and re-borrow on mortgage of the receipts and revenue of the market undertaking after they have acquired the same such moneys as may be required for payment of the purchase money, and for the other expenditure of the corporation under this Act properly chargeable against capital, not exceeding in the whole two hundred thousand pounds, and may apply the moneys so raised accordingly, but they shall not apply for any purpose properly chargeable against revenue any money so raised; provided that the corporation shall not re-borrow any sum so borrowed and paid off by means of a sinking fund.

Corporation to provide sinking fund.

65. The corporation shall provide and from time to time apply a sinking fund for paying off the principal moneys borrowed by them under this Act, and the amount which they shall set apart in every year for the sinking fund shall be one-twentieth part of the sums so borrowed.

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

66. The treasurer of the corporation for the time being shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment under this Act, transmit to the Local Government Board for Ireland a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so

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required by them, showing the amount which has been paid off by instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, the said treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board for Ireland by such return or otherwise that the said treasurer has failed to pay any instalment, or to set apart the sum required by this Act for the sinking fund, or has applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board for Ireland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board for Ireland out of the Court of Queen's Bench in Ireland.

Corporation's income under Act.

67. Subject to the provisions herein contained, all the tolls and other income of the corporation under this Act shall from time to time be applied as if same were tolls, rents, or income payable in respect of markets belonging to or acquired by the corporation under the provisions of the Dublin Improvement Acts.

Corporation's expenditure under Act.

68. All the expenditure of the corporation under and for the purposes of this Act, and which is not otherwise by this Act sufficiently provided for, shall be defrayed by them out of the funds or rates applicable for the purchase or maintenance of markets under the Dublin Improvement Acts.

Corporation's market accounts.

69. The corporation shall keep separate and distinct accounts of all their receipts, credits, payments, and liabilities under and for the purposes of this Act, and the accounts so kept shall be distinguished as their "market accounts."

Company to wind up their affairs.

70. From and after the sale of the market undertaking by the Company to the corporation, the Company shall proceed to wind up their affairs, and subject to the payment and satisfaction of all their debts, liabilities, and engagements, shall divide their net moneys among the shareholders of the Company, their executors, administrators, and assigns, rateably according to the amounts of the paid up capital of the Company held by them respectively.

Dissolution of the Company.

71. When and so soon as the Company have paid and satisfied all their debts, liabilities, and engagements, and have divided their net moneys among their shareholders, and have finally wound up their affairs, the Company shall be by this Act dissolved and shall wholly cease to exist.

General saving of rights notwithstanding dissolution of Company.

72. Notwithstanding the vesting by this Act of the market undertaking in the corporation and the dissolution of the Company, and except only as is by this Act otherwise provided, everything before the vesting and dissolution respectively done and suffered respectively under or by virtue of this Act, and every right and liability by this Act secured, shall be as valid as if the vesting and dissolution respectively had not happened, and the vesting and dissolution and the operation of this Act in that behalf respectively shall accordingly be subject and without prejudice to everything so done and suffered, and every right and liability so saved respectively, and to all other rights, liabilities, claims, and demands, both present and future, which, if the vesting and the dissolution had not happened, would be incident to or consequent on everything so done or suffered, and every right and liability so saved respectively; and with respect to everything so done and suffered, and every right and liability so saved respectively, and all such other rights, liabilities, claims, and demands, the corporation shall to all intents and purposes represent the Company, and where requisite the name of the corporation shall be substituted for the name of the Company, and the generality of this provision shall not be restricted by any other of the sections or provisions of this Act.

Saving privileges of lord mayor and corporation.

73. The rights, powers, and authority of the Right Honourable the Lord Mayor of Dublin as clerk of the markets for the time being, and also of the corporation in their corporate capacity, shall be hereafter exercised and enjoyed in as large and ample a manner as they have been hitherto exercised and enjoyed by them respectively, whether by prescription, charter, or statute law, but more especially under or by virtue of the provisions of "The Dublin Improvement Act, 1849."

Confirmation of byelaws.

74. All byelaws made under the authority conferred under this Act, except such as may relate solely to the officers, servants, or licensees of the Company, shall be submitted to the lord mayor for his approval, and every such byelaw when approved of by the lord mayor in manner aforesaid shall be confirmed, printed, and published, and used as evidence, and be subject to the same regulations in all respects as the byelaws authorised to be made by the mayor, aldermen, and burgesses of the city of Dublin under the provisions

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of the said "Dublin Improvement Act, 1849," so far as the same are applicable; and in case the said lord mayor shall refuse to approve of any such byelaw as shall be submitted to him as aforesaid, the same may be submitted by the said Company to the Lord Lieutenant of Ireland; and if at any time within a period of forty days after the same shall have been so submitted the said Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, shall disallow the same byelaws or any part thereof, such byelaws or part thereof disallowed shall not come into operation; but if the same or any part thereof be not so disallowed, then after the expiration of forty days after the same shall have been so submitted as aforesaid, and shall have been published once in the Dublin Gazette and in two of the newspapers circulating in the borough of Dublin, the same shall be deemed to be confirmed and in operation, and a copy of the Dublin Gazette purporting to be printed by the Queen's authority containing any such byelaws shall be conclusive evidence of such byelaws and of the same having been duly made and approved in the manner provided by this Act.

For protection of mains, pipes, &c. of Alliance Gas Company.

75. In case it shall be necessary for the Company for the purpose of constructing any of the works by this Act authorised to raise, sink, or otherwise alter the position of any mains, pipes, or other works belonging to the Alliance and Dublin Consumers Gas Company (in this Act referred to as "the Alliance Company"), the same shall be done with as little detriment and inconvenience to the Alliance Company and to any houses or persons supplied with gas by means of such mains, pipes, or other works as the circumstances will permit; and all works relating to or involving interference with such mains, pipes, or other works as aforesaid shall be executed at the cost of the Company, and to the reasonable satisfaction in all things of the Alliance Company or their engineer, if they or he think fit to attend, after receiving not less than forty-eight hours notice from the Company or their proper officer.

As to interruption of Alliance Company's supply of gas.

76. It shall not be lawful for the Company in executing any of the works by this Act authorised to remove or displace any of the mains, pipes, or other distributory works belonging to the Alliance Company, or to do anything to interrupt or impede the supply of gas into or through such mains, pipes, or other distributory works until good and sufficient arrangements be made at the expense of the Company for carrying on the supply of gas to the reasonable satisfaction of the engineer of the Alliance Company.

Company to make good all damage

77. The Company shall repair and make good all damage done to the property of the Alliance Company by the disturbance thereof

occasioned by the construction of any works authorised by this Act to the reasonable satisfaction of the engineer of the Alliance Company.

to property of Alliance Company.

78. If it shall be necessary to construct any of the works by this Act authorised over any mains of the Alliance Company, the Company shall at their own expense construct and maintain such works as shall be necessary for the protection from injury of the mains of the Alliance Company to the reasonable satisfaction of their engineer.

When works cross the mains of Alliance Company protection to be made.

79. If it shall be necessary to construct any of the works by this Act authorised over any main or pipe of the Alliance Company, the Company shall at their own expense construct and maintain a good and sufficient culvert over such main or pipe so as to cover the same and make it accessible for the purpose of repairs.

Culverts to be made when mains or pipes covered over.

80. If the Company, or any of their contractors, agents, officers, workmen, or servants, or any person in the employment of them or of any of them, shall in the execution of any of the works by this Act authorised interrupt the supply of gas supplied by the Alliance Company, the Company shall make good any loss occasioned thereby to the Alliance Company, the amount to be determined by arbitration in manner herein-after mentioned.

Indemnity for obstructing Alliance Company's supply of gas.

81. If any dispute or controversy shall arise or happen between the Alliance Company and the Company touching or concerning the true meaning or construction of this Act, or any of the provisions thereof, or any payment to be made by the Company to the Alliance Company under such provisions, the same shall be referred to arbitration in accordance with "The Railway Companies Arbitration Act, 1859," as if the Alliance Company and the Company were two railway companies.

As to arbitration of disputes with Alliance Company.

82. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, and privileges hitherto vested in or possessed by the Alliance Company.

Saving of rights of Alliance Company.

83. Nothing in this Act shall exempt the Company from the provisions of any general Act hereafter passed with respect to markets, or from any revision by Parliament of the tolls by this Act granted to the Company.

Company not exempt from provisions of general Act.

84. All the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Company.

Expenses of Act.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE I.

Tolls in respect of Commodities brought into the Market.

		s.	d.
For every bull, ox, steer, cow, or heifer, if sold by the carcase,	not exceeding	2	6
For every calf, sheep, lamb, or pig, if sold by the carcase,	not exceeding	1	0
For every hundredweight of beef, if sold by the hundredweight,	not exceeding	0	9
For every double of mutton, if sold by the double -	not exceeding	0	6
For every quarter of veal, if sold by the quarter -	not exceeding	0	3
Fowl, for each dozen, if sold by the dozen -	not exceeding	1	0
Fowl, for each one hundred, if sold by the hundred -	not exceeding	8	0
Geese and turkeys, for each dozen, if sold by the dozen -	not exceeding	2	0
Geese and turkeys, for every fourteen pounds, if sold by the pound,	not exceeding	0	3
Game and rabbits, for each brace - - -	not exceeding	0	3
Hares, for each hare - - - -	not exceeding	0	2
Fish: Codfish, for each four, if sold by fours -	not exceeding	0	4
„ Codfish, for each dozen, if sold by the dozen -	not exceeding	1	0
„ Soles, for each eight pair, if sold by the pair -	not exceeding	1	0
„ Herrings, for each ten dozen, if sold by the dozen,	not exceeding	0	5
„ Salmon and trout, for each fourteen pounds, if sold by the pound,	not exceeding	0	6
„ Turbot, for each turbot according to size -	not exceeding	0	6
, Oysters, for each ten dozen oysters -	not exceeding	2	0
, Lobsters, for every ten lobsters - -	not exceeding	0	10
„ Fresh or cured:—			
When brought in carts or trucks, per hundredweight,	not exceeding	0	2
When brought in barrels, boxes, or baskets -	not exceeding	0	3
When brought in small packages -	not exceeding	0	0½
All other fish, if sold by number, per each dozen -	not exceeding	1	0
If sold by weight, for every fourteen pounds - -	not exceeding	0	6
Bacon or pork: For every flitch - -	not exceeding	0	2
„ For every tierce, barrel, or other package, per hundredweight - - - -	not exceeding	0	2

		s.	*d.*
Fruit: Hamper, basket, whisket, tub, case, pad, round, pot, prickle, molly, sieve, barge, pannier, mhud:			
,, Under one bushel, imperial measure -	not exceeding	0	0½
,, One bushel, but not exceeding one and a half bushel,	not exceeding	0	1
,, Each additional half bushel or part thereof -	not exceeding	0	0½
,, Hogshead, exceeding seven and a half hundredweight gross,	not exceeding	0	6
,, Tierce, exceeding three hundredweight, and not exceeding seven and a half hundredweight gross - -	not exceeding	0	3
,, Chest - - - - - - - -		0	2
,, Box - - - - - - - - -		0	1
Vegetables: Potatoes, onions, carrots, or other description of vegetables, for each hundredweight, if sold by weight,	not exceeding	0	2
,, Peas, beans, or other description of vegetables, for each peck, if sold by the peck - -	not exceeding	0	0½
,, All description of cabbage, brocoli, cauliflower, &c., per dozen - - - -	not exceeding	0	1
,, A cartload, according to bulk - -	not exceeding	1	0
,, Radishes, bunched onions, salads, &c. and other vegetables, if sold by the dozen, for each dozen,	not exceeding	0	1
,, Rhubarb and celery, for every five bundles of one dozen sticks or bundles - - -	not exceeding	0	1
Cheese: For every hundredweight - - -	not exceeding	0	2
Butter: For every firkin - - -	not exceeding	0	4
Eggs: In boxes or hampers - - -	from 2*d.* to	0	4
A crate - - - - -	not exceeding	0	6
Milk: For every gallon - - -	not exceeding	0	1

SCHEDULE II.

Tolls in respect of the use of Shops, Stalls, Standings, Sheds, Stations, or Places or Conveniences within the Market.

Retail Market Tolls.

	s.	*d.*
For the occupation or user of any shop, stall, standing, shed, station, or place or convenience within the market, for each and every superficial foot thereof:—		
If taken by the year, not exceeding the sum of - - -	4	4
If taken by the half year, not exceeding the sum of - - -	2	2
If taken by the quarter, not exceeding the sum of - - -	1	1
If taken by the week, not exceeding the sum of - - -	0	1
If taken by the day, not exceeding the sum of - - -	0	0¼

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WHOLESALE MARKET TOLLS.

	s.	d.
For every waggon used by any person for exposing, or in which shall be exposed to sale any article, commodity, or thing, for each day, not exceeding the daily sum of - - - - -	4	0
For every cart used by any person for the like purpose, for each day any daily sum not exceeding :—		
If drawn by one horse or other animal, the sum of - - -	2	0
If drawn by two or more horses or other animals, the sum of - -	3	0
For each compartment or space on the surface of the ground used by any person for the like purpose, according to the size or dimensions of the same; namely, for each superficial square foot thereof, not exceeding the daily sum of - - - - -	0	1

SCHEDULE III.

Tolls in respect of Articles Weighed or Measured.

		s.	d.
For weighing in sack any article or sack, per sack -	not exceeding	0	1
For every quantity of meat, article, or thing weighing 112 pounds or less, and not in sack - - - - -	not exceeding	0	1
And for every additional 112 pounds - -	not exceeding	0	1
For weighing any waggon, whether loaded or unloaded	not exceeding	0	8
For weighing any cart, whether loaded or unloaded -	not exceeding	0	4
For mueasring goods or things sold by measure, per bushel or gallon,	not exceeding	0	0½

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