CHAPTER clxvii.

An Act for extending the Boundary of the Township of Kingstown; and for other purposes. [30th July 1874.]

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WHEREAS an Act was passed in the session of Parliament held in the 4th and 5th years of the reign of His Majesty King William IV., intituled "An Act for paving, watching, lighting, "regulating, and otherwise improving the town of Kingstown, in "the county of Dublin:" 4 & 5 W. 4. c. xc.

And whereas "The Towns Improvement (Ireland) Act, 1854," was duly adopted, and the provisions thereof as modified by more recent enactments are in force in the township of Kingstown, in the barony of Rathdown and county of Dublin; and the Act so modified is herein-after referred to as "the Act of 1854:" 17 & 18 Vict. c. 103. (*Public.*)

And whereas by the "Kingstown Improvement Act, 1861," (herein-after referred to as "the Act of 1861,") the repair and management of the roads and bridges in the township were transferred from the grand jury of the county of Dublin to the commissioners of that township:

And whereas by "The Township of Kingstown Act, 1869," (herein-after referred to as "the Act of 1869,") certain provisions of the Act of 1854, and of the Acts or parts of Acts incorporated therewith, were varied or amended so far as the same related to the township:

And whereas the township of Kingstown is a populous and improving township, and it is expedient that the boundaries thereof should be extended in manner by this Act authorised:

And whereas under the powers of the Act of 1869 the Kingstown Commissioners have borrowed and now owe the sum of fourteen thousand seven hundred pounds or thereabouts, and it is expedient that they be authorised to borrow a further sum for the purposes of the Acts of 1854, 1861, and 1869, and of this Act:

And whereas it is expedient that such further and other powers and provisions as are herein-after contained be conferred and made:

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And whereas the objects aforesaid 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 Kingstown Township Extension Act, 1874."

Commencement of Act.

2. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-five.

Interpretation of terms.

3. In this Act the word "township" means the township of Kingstown as extended and defined by this Act:

The words "existing township" mean the existing township of Kingstown within the limits of the Act of 1854, the Act of 1861, and the Act of 1869:

The expression "the former Acts" means the Acts of 1854 and 1861 and 1869:

The expression "the Commissioners" means the Commissioners now acting within the existing township:

The expression "the grand jury" means the grand jury of the county of Dublin, and the expression "the finance committee" means the finance committee of the county of Dublin:

The expression "the Grand Jury Acts" means the Act of the 7th and 8th Vict. cap. 106., intituled "An Act to consolidate "and amend the laws for the regulation of Grand Jury Present-"ments in the county of Dublin," and any Act or Acts amending the same:

The word "road" or "roads" includes street, footpath, square, avenue, highway, land, bridge, culvert, arch, court, alley, lane, yard, thoroughfare, or public passage within the limits of this Act.

This and the former Acts to be read as one Act.

4. This Act and the former Acts (so far as not inconsistent with this Act) shall be construed and read together as one Act.

Limits of existing township extended.

5. The limits of the existing township shall, from and after the commencement of this Act, be and the same are hereby extended and enlarged so that the township shall thenceforth consist of so much of the parishes of Monkstown and Kill, in the county of Dublin, as is comprised within the following description:

(1.) The whole of the existing township:

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(2.) The area included within the following limits (and hereinafter referred to as "the transferred area"); that is to say, the area between the limits of the existing township and a line drawn in the following direction:

Commencing at or near a point on the boundary of the existing township at or near the eastern end of Richmond Hill, thence in a westwardly direction along the boundary of the Blackrock township to the tenement boundary of Ashton Park, thence by the tenement boundary of Somerset to the road from Stradbrook to Kill of the Grange, thence along the centre of the said road to Kill of the Grange, thence in a north-easterly direction towards Kingstown, along the centre of the road called Goff's or Kill Avenue to the southern tenement boundary of Carriglea, thence along the south tenement boundary of Carriglea, thence along the boundary fence of Byrne's Farm and the lands belonging or reputed to belong to John Joseph Crosthwaite, and thence by the tenement boundary of Avondale to Sallynoggin Road, thence along said road in a north-easterly direction towards Kingstown, and thence along the southern boundary of the townland of Thomastown to the southern tenement boundary of Glenageary House demesne, thence along the said boundary to its junction with the western boundary of Thomastown townland, thence along the said western boundary to the southern tenement boundary of Glenageary Hall, thence along the said boundary and the southern boundary of Sion Hill to a point on the road between Kingstown and Killiney two hundred yards or thereabouts south of Rosney in the existing township, thence to the boundary of the existing township at Rosney, and thence along the boundary of the existing township on the southern and western sides to the point of commencement herein-before described.

Lands, &c. added to township to be subject to the former Acts.

6. The lands, houses, buildings, roads, and works, precincts and places, within the transferred area by this Act added to the existing township, and included within the limits of the township, shall, from and after the commencement of this Act, be and be deemed part of the township, to all intents and purposes whatsoever, as if they had been comprised in the existing township, and shall be severed from and cease to be included within the limits of the jurisdiction of the grand jury; and, subject to the provisions of this Act, all the powers and provisions of the former Acts now applicable to the existing township, or any part thereof, and all rights conferred

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by and all liabilities existing under the former Acts shall respectively extend and apply to the same lands, houses, buildings, roads, and works, precincts and places, within the transferred area, and to the township and the inhabitants thereof and other persons therein, and the said powers and provisions as to rates and otherwise shall henceforth be exercised and put in force throughout the same in all respects as if the township had been described or referred to in the former Acts instead of the existing township: Provided always, that nothing in this Act contained shall make the Commissioners liable to furnish a supply of water to the transferred area until they obtain the increased supply necessary for that purpose from the Lord Mayor, aldermen, and burgesses of the city of Dublin, or to furnish such supply at a cost less than the actual cost of the same to the Commissioners.

Roads, &c. of transferred area exempted from jurisdiction of grand jury and placed under the Commissioners.

7. From and after the commencement of this Act the grand jury shall not have any jurisdiction, power, or authority over or in the making and maintaining of any road within the transferred area; but the transferred area, and the making and maintaining of any road therein, are hereby transferred from the grand jury to and vested in and imposed upon the Commissioners, who shall henceforth make and maintain such road, and the cost thereof shall be chargeable on the township as herein-after provided.

Exclusion of parts of the Grand Jury Acts.

8. From and after the commencement of this Act the several provisions of the Grand Jury Acts under which the powers mentioned in the foregoing section have been exercised by the grand jury within the transferred area shall cease to operate in relation to the township.

Saving for Blackrock Road.

9. Nothing in this Act shall affect the liability of the township to contribute its proportion of the cost of maintaining the road from Dublin to Blackrock, as the same is by the Act of the 7th and 8th years of Her Majesty's reign, and by the Act of 1861, chargeable on the barony of Rathdown.

Levying of county cess in transferred area to cease.

10. From and after the commencement of this Act all the powers and duties of the grand jury in relation to the applotting and levying of county cess on any rateable property within the transferred area shall cease; but in case the grand jury shall pay to the persons, or any of them, who have entered into any contract with the grand jury any sum or sums for repair, maintenance, or otherwise, of any of the bridges or roads within the transferred area, at any presenting term, under the terms and during the continuance of such contract, it shall be lawful for the secretary of the grand jury to add the amount of such sum or sums (subject to

the right of traverse provided for by this Act) to the sum to be certified by him and presented as the contribution by the township to the county in accordance with the provisions of this Act, and such sum shall be considered for all purposes contemplated by this Act as portion of such contribution. But nothing in this Act shall be deemed to affect the right of the grand jury to recover, or preclude the grand jury from recovering, any arrear of county cess applotted upon lands or houses within the transferred area on or before the first of May one thousand eight hundred and seventy-four which may be in arrear or unpaid at or after the commencement of this Act.

Proportion of contributions.

11. The amount of the contribution of the township towards the amount presented as aforesaid shall be proportioned to the value of property in the township, as compared to the value of property in the county; and the amount of such contribution shall be certified in detail under the hand of the secretary of the grand jury; and the Commissioners may traverse any such presentment as aforesaid, in like manner as any person rated in respect of property within the transferred area might by law, at the commencement of this Act, traverse any such presentment as regards such property.

Exemption of transferred area from expenses specified.

12. From and after the commencement of this Act no part of the expenses to be incurred by or on behalf of the county for the salaries of any county surveyor, or of his assistants or clerk, shall be chargeable or charged upon the township.

As to the payment of grand jury cess chargeable on the township.

13. The finance committee shall, after each presenting term, make out an estimate of the amount to be levied off or upon the township for or on account of baronial charges and charges on the county at large, and shall exclude from such estimate all charges for or on account of the works presented by the grand jury from the cost of which the transferred area and the township are hereinbefore (or by the Act of 1861) declared to be exempt; and the finance committee shall make out a separate warrant for the sum properly assessable upon the township, after the deductions of exemptions aforesaid, and within ten days after the making thereof shall cause to be delivered at the office of the Commissioners a copy of such warrant, and the Commissioners shall pay the amount set forth in such warrant in two equal moieties, (that is to say,) one moiety within two calendar months after the delivery of such copy of the warrant, and the other moiety within eight calendar months after such delivery.

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Manner of enforcing payment.

14. In case either of the said moieties shall not be paid to the finance committee within the periods aforesaid (but subject to such right of traverse as aforesaid), it shall be lawful for the finance committee to collect the same, and for that purpose to transmit a copy of such warrant to the collector of the barony of Rathdown, adding thereunto a sum not exceeding two shillings in the pound for the necessary charges and expenses attending the applotting and collecting of the amount therein contained; and the collector thereupon shall proceed to collect and levy the said amount upon the ratepayers of the township, and shall have the like powers and remedies in applotting, levying, and recovering the same as he would have had if this Act had not been passed, and as if the same continued to form part of the assessments chargeable on the barony of Rathdown under and by virtue of the said Act of the 7th and 8th Vic. cap. 106, and the Acts now in force relating thereto.

Warrants in force at commencement of Act to continue.

15. All warrants issued by the finance committee previously to the commencement of this Act for the collection of public moneys off the township shall remain in full force and effect until the several collections thereunder be fully completed and ended, anything in this Act contained to the contrary notwithstanding.

Chairman or other Commissioner to be an associated cesspayer.

16. For the purpose of proceedings at presentment sessions for the county of Dublin at large under the provisions relating to the mode of making presentments of the Act of 7th and 8th Vic. cap. 106, and any provision of the Grand Jury Acts now in force relative thereto, the chairman of the Commissioners for the time being, or, in case of his absence or indisposition, one other member of the body specially chosen by the Commissioners for that purpose, shall be by virtue of his office an associated cesspayer for the county of Dublin at large, in addition to the cesspayers selected to be associated with the justices of the county at presentment sessions, in pursuance of the provisions of the said Acts; and the chairman or other Commissioner while acting as such associated cesspayer shall have the same rights and privileges as a justice of the peace for the county at such presentment sessions.

Expenses of roads and bridges within the transferred area.

17. The expenses incurred by the Commissioners in making and maintaining any road within the transferred area by this Act placed under the jurisdiction of the Commissioners shall be defrayed out of the "Kingstown Road Rate" authorised by the Act of 1861, as fully in all respects as if the several provisions with respect to such rate, and to the assessment, levy, and recovery thereof, were in this Act expressly repeated and made applicable

to the township: Provided always, that no addition shall be authorised or deemed to be authorised by this Act to the maximum amount or amounts of the Kingstown road rate, as fixed or imposed by the Act of 1861.

Compensation to Edward Love Alma, baronial collector.

18. And whereas Edward Love Alma is collector of county rate for the barony of Rathdown, in the county of Dublin, in which barony the existing township is situate: And whereas the limits of the said township have by this Act been extended and enlarged: And whereas the said Edward Love Alma will, by reason of the passing of this Act, be deprived of so much of the emoluments of his office of collector as are now payable to him from the county rate collection out of the transferred area; and it is just and reasonable that the said Edward Love Alma, who has filled the said office for a period of fifty years and upwards, should have compensation granted to him in respect of the loss of the said emoluments: Therefore it shall be lawful for the Commissioners to make compensation to the said Edward Love Alma, and pay unto him the yearly sum of ten pounds during the term of his natural life; and the said Commissioners shall pay the same out of the rates hereby authorised to be levied, by equal half-yearly payments on the first day of May and the first day of November in each and every year, the first of such payments to be made on the first day of May which shall happen after the commencement of this Act: Provided always, that such yearly payment may be at any time commuted for a principal sum, payable immediately, as may be agreed upon between the said Edward Love Alma and the Commissioners, and the Commissioners shall pay such sum accordingly, such sum, however, not in any case to exceed the sum of one hundred pounds.

Re-arrangement of wards consequent on extension of the township.

19. The township shall, from and after the commencement of this Act, be divided into the same number of wards, having the same names, as at the commencement of this Act, (that is to say,) Glasthule, Kingstown East, Kingstown West, and Monkstown Wards; and the limits or boundaries set forth in the schedule to this Act annexed, and shown upon the plan signed by Henry Cecil Raikes, Esquire, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred, shall, from and after the commencement of this Act, be the limits or boundaries of the said several wards: Provided always, that no addition shall be made to the number of Commissioners.

Deposit of ward plan.

20. The plan mentioned in this Act shall, within one week after the passing of this Act, be deposited at the Private Bill Office

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of the House of Commons, and a duplicate of such plan shall, within the same period, be deposited with the clerk to the Commissioners.

Copies of deposited plan to be evidence.

21. Copies of the plan deposited as aforesaid with the clerk to the Commissioners, or any extract therefrom, certified by the clerk to the Commissioners to be true, shall be received in all courts of justice or elsewhere as evidence of the contents of such plan; and such plan shall at all reasonable times be open to the inspection of the ratepayers of the township; and all persons interested shall be entitled to a copy of or extracts from such plan, certified by the clerk to the Commissioners, upon payment of a reasonable fee for every such copy or extract.

Power to borrow on mortgage.

22. For the purposes of this Act and the former Acts, the Commissioners may, in addition to the sum which they are authorised to borrow under the Act of 1869, borrow and re-borrow, on mortgage of the general yearly assessment provided for by section 60 of the Act of 1854, any further sums of money, not exceeding in the whole three thousand pounds; and the moneys so borrowed shall be applied to the purposes for which they are so borrowed, and sections 57, 58, 59, and 60 of the Act of 1869 shall apply to the moneys to be so borrowed and re-borrowed.

For prevention of waste.

23. The Commissioners, with the approval of the Local Government Board for Ireland, and so long as they shall provide a constant supply of water, may from time to time make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and for the repair and alteration of fittings and apparatus, and may, amongst other things, prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus to be used, and may interdict any arrangements, and the use of any pipes, cocks, cisterns, or other apparatus, which may tend to such waste or misuse as aforesaid.

Saving rights of the Commissioners of Kingstown Harbour.

24. Provided always, that nothing herein, or in the former Acts, or any of them, contained, shall authorise the levy of any rate from the Commissioners of Kingstown Harbour for or in respect of any of the property vested in the said Commissioners, and which it is hereby declared shall not be subject to any such rates; and, notwithstanding anything in the said Acts, or in this Act, or any of them, contained to the contrary, it shall not be lawful for the Commissioners acting in execution of this Act or any of the said Acts, or for any person whomsoever, to make any drains, sewers, culverts, or other works on, leading to, in, over, or through any of the property vested in the said Commissioners of Kingstown

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Harbour, acting in execution of an Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, intituled "An Act for erecting an Harbour for Ships to the eastward "of Dunleary within the port of Dublin," or any of the Acts since passed amending the same, unless upon such terms, and according to such plan and sections, and subject to such conditions as shall be previously approved of and sanctioned by the Commissioners of Kingstown Harbour, and so signified in writing under their hands for that purpose.

Expenses of Act.

25. The Commissioners shall, out of the moneys raised by or on the credit of the general yearly assessments and rates authorised to be levied under the former Acts and this Act, contribute and pay the sum of two hundred pounds towards the costs and expenses of applying for, obtaining, and passing of this Act, and also out of such moneys pay the costs, charges, and expenses of the Commissioners of and incidental to their opposition to this Act.

SCHEDULE.

New Boundaries of the Four Wards forming the Township as extended and defined by this Act.

Glasthule Ward

Includes:

(1.) The whole of the existing Glasthule Ward; and

(2.) So much of the transferred area as is bounded on the north by the existing township, on the south by the tenement boundaries of Sion House, Glenageary Hall, and Glenageary House and Thomastown townland; and which said ward is coloured green on the plan.

Kingstown East Ward

Includes:

(1.) The whole of the existing Kingstown East Ward; and

(2.) So much of the transferred area as is bounded on the north by the existing township, on the south by the tenement boundary of Carriglea, thence to the Glenageary Road by the boundary fence

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between Byrne's Farm and the land belonging or reputed to belong to John Joseph Crosthwaite, known as Wood Park, and the tenement boundary of Avondale, on the east by Sallynoggin Road, and on the west by Goff's or Kill Avenue; and which said ward is coloured purple on the plan.

Kingstown West Ward

Includes:

(1.) The whole of the existing Kingstown West Ward; and

(2.) So much of the transferred area as is bounded on the north by the existing ward from Highthorn Gate to the boundary of the townland of Monkstown Castle Farm, on the south by the main road leading from Kill of the Grange to Stradbrook, and ending at Monkstown Avenue, on the west by Monkstown Avenue, ending at the boundary of Monkstown Castle Farm, and on the east by Goff's or Kill Avenue, from Highthorn to Kill of the Grange; and which said ward is coloured blue on the plan.

Monkstown Ward

Includes:

(1.) The whole of the existing Monkstown Ward; and

(2.) So much of the transferred area as is contained in the townland of Monkstown Castle Farm, and also as is bounded on the east by Monkstown Avenue, on the south by the main road to Stradbrook, ending at the tenement boundary of Somerset, on the west by the western tenement boundaries of Somerset and Ashton Park, and on the north by Blackrock township to Richmond Hill at Carrick-Brennan Road; and which said ward is coloured red on the plan.

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