

CHAP. 109.

An Act to amend the Law relating to the Local Government of Towns and populous Places in Ireland. A.D. 1871.

[21st August 1871.]

WHEREAS it is expedient to amend the laws relating to the local government of towns and populous places in Ireland:

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:

Preliminary.

Short title.

1. This Act may be cited for all purposes as The Local Government (Ireland) Act, 1871.

Commencement of Act.

2. This Act shall commence and take effect on the first day of September one thousand eight hundred and seventy-one.

Interpretation.

3. In the construction of this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland for the time being, and shall include the Lords Justices or other Chief Governors or Governor of Ireland for the time being;

The term "Chief Secretary" shall mean the Chief Secretary to the Lord Lieutenant;

The term "governing body," in the several places mentioned in the first column of the schedule annexed to this Act, shall mean the persons or bodies of persons in that behalf described in the second column of the said schedule;

The term "town," in relation to any governing body, shall mean the area within which such governing body has jurisdiction;

The term "special Act" in relation to any governing body shall mean and include any and every Act of Parliament under the provisions of which such governing body is constituted or in the execution of which such governing body is acting;

The term "principal Act" shall mean "The Towns Improvement (Ireland) Act, 1854;"

A.D. 1871.

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

The term "court" shall mean the Court of Common Pleas at Dublin;

The term "rules of court" shall mean rules to be made by the court under the authority of Part I. of this Act; and

The term "prescribed" shall mean "prescribed by the rules of court."

PART I.

GENERAL PROVISIONS.

Provisional Orders.—Purchase of Land.

Power to purchase lands.

4. The governing body of any town may for any of the purposes of the special Act purchase, take upon lease, sell, or exchange any lands, subject to the following regulations:—

Regulations relating to such purchase.

(1.) The Lands Clauses Act shall be incorporated with this Act, except the provisions relating to access to the special Act; and in the construction of the Lands Clauses Acts, for the purposes of any provisional order under this Act, conferring powers for the taking of land, the term "special Act" shall mean the Act confirming such order; the expression "the date of the passing of the special Act" shall mean the date of the passing of the Act confirming such order; and the expression "the promoters of the undertaking" shall mean the governing body of the town to which such provisional order relates:

Publication of notices.

(2.) The governing body, before putting in force any of the powers of the Lands Clauses Act with respect to the purchase and taking of land otherwise than by agreement, shall

Publish, once at the least in each of three consecutive weeks in the month of November in some newspaper circulated in the town an advertisement describing shortly the purposes in respect of which the lands are proposed to be taken, naming a place in the town where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required; and shall further

Service of notices.

Serve a notice in the month of December, in manner herein-after mentioned, on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of the taking such lands; such notice is to be served by

Delivery of the same personally on the party required to be served, or, if such party is absent abroad, to his agent; or by

Leaving the same at the usual or last known place of abode of such party as aforesaid; or by

Forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party:

Power to governing body to petition Chief Secretary upon matters hereinstated.

(3.) Upon compliance with the preceding provisions of this section with respect to advertisements and notices, the governing body may, if they think fit, present a petition under their seal to the Chief Secretary: The petition shall state the lands intended to be taken, the purposes for which the same are required, and the names of the owners, lessees, and occupiers of such lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice: It shall pray that the governing body may, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Chief Secretary requires:

Chief Secretary may direct inquiry;

(4.) Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Chief Secretary shall take such petition into consideration, and may either dismiss the same or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made in the district, after such notice as may be directed by the Chief Secretary, no provisional order shall be made affecting any lands, without the consent of the owners, lessees, and occupiers thereof:

A.D. 1871.

and may make provisional order.

(5.) After the completion of the inquiry as last aforesaid the Chief Secretary may, by provisional order, empower the governing body to put in force with reference to the land referred to in such order the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the governing body to serve a copy of any order so made in the manner and upon the person in which and upon whom notices in respect of such land are herein-before required to be served:

No provisional order valid until confirmed by Parliament.

(6.) No provisional order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Chief Secretary, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

Conveyance to governing bodies of non-corporate towns.

(7.) All lands and premises which shall be purchased, hired, or taken on lease by the governing body of any non-corporate town shall be conveyed, demised, and assured to such governing body and their successors in trust for the purposes of the special Act, and shall be accepted, taken, and held by them as a body corporate.

Provisional Orders for purposes other than putting in force Lands Clauses Acts.

5. Whenever it appears desirable to the governing body of any town, or to the majority of the ratepayers in any district adjoining or forming part of any town,

Incorporation with or separation from town.

That any district adjoining or forming part of such town should be incorporated with or separated from such town; or

Whenever it appears desirable to the governing body of any town that provision should be made

Transfer of powers of grand jury.

To transfer from the grand jury or grand juries of the county or counties within which such town is situate to such governing body the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within such town, vested in such grand jury or grand juries under any Act or Acts; and

To prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such town; and

To provide for the due payment of the balance of the grand jury cess to which such town will then, in future, be liable; and

To authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the governing body of such town to enable them to defray the expenses consequent upon and incident to such transfer from the grand jury when the maximum amount of rates authorised is insufficient to defray such expenses as aforesaid; or

Execution or repeal of local Acts.

To provide for the future execution of any local and personal Act in force within such town, having relation to the purposes of the special Act, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals, for their own pecuniary benefit; or that any such local and personal Act, or any exemptions from rating derived therefrom, or any provisional order, or any Act confirming any provisional order under this Act, so far as the same relates to such town, should be wholly or partially repealed or altered,—

Petition to Chief Secretary.

(1.) They may present a petition to the Chief Secretary praying for such incorporation, separation, provisions, repeal, and alteration as aforesaid, or for any of such things, and such petition shall be supported by such evidence as the Chief Secretary requires:

Power of Chief Secretary, on receipt of petition,

(2.) Upon the receipt of any such petition inquiry may be directed by the Chief Secretary in the town or district, or otherwise as he may think fit, as to the genuineness of the petition and in respect of the several matters mentioned therein, after giving fourteen days notice of the time, place, and subject of the inquiry:

to issue order, and obtain consent of district and town.

(3.) It shall be lawful for the Chief Secretary to issue a provisional order in relation to the several matters mentioned in the petition, and either in accordance with the prayer thereof, or with such modifications as may be requisite; and when the order provides for the incorporation of any district with a town, or the separation of any district from a town, or for the transfer of the powers of any grand jury or grand juries to the governing body of any town, or for any increase of rates, a person appointed for that purpose by the Chief Secretary shall proceed to the town for the purpose of obtaining the consent to such order of the district which it is proposed should be incorporated, or of the district to be separated, and of the town with which such incorporation, or from which such separation, is proposed, and, in case of such

A.D. 1871.

transfer from the grand jury or grand juries, the consent of the town:

Consents, how testified.

(4.) The consent of such district or town shall be testified by a resolution passed by a majority of the ratepayers resident in any such district or town, assembled at a meeting convened for the purpose; and the person appointed as aforesaid shall, for the purpose of obtaining such consents, have power to convene meetings of the ratepayers of any district or town, giving fourteen days notice of the time, place, and subject of such meetings, and to do all such matters and things as may be expedient for that purpose:

Provision as to meetings of ratepayers.

(5.) In the case of a meeting of the ratepayers of any district or town, the ratepayers present shall elect a chairman; and a declaration by the chairman that the opinion of the meeting is in favour or against any resolution, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence that the resolution is passed: The person appointed as aforesaid shall have power to attend any such meeting:

(6.) In the case of the transfer of such powers as aforesaid from any grand jury or grand juries, such grand jury or grand juries shall be proved to consent thereto, and the consent of a grand jury shall be testified by a presentment to that effect:

Secretary of State to obtain confirmation of order.

(7.) Whenever such consents as aforesaid have been obtained and proved in the cases in which they are herein-before required, the Chief Secretary shall, as soon as conveniently may be, take all necessary steps for the confirmation of such order by Act of Parliament; but previously to such confirmation it shall not be of any validity whatever, and every Act of Parliament confirming such order shall be deemed a public general Act:

Definition of the term "ratepayers" in this section.

The term "ratepayers" in this section means, in relation to any town, persons qualified to vote at any election of members of the governing body of such town, and, in relation to any district adjoining any town, persons who, if such district formed part of such town, would, in respect of lands, tenements, or hereditaments in such district, be qualified to vote at any election of members of the governing body of such town.

Extension of borrowing powers in certain cases.

6. Where the governing body of any town, exercising the borrowing powers of the special Act, has contributed to, purchased, or executed works of sewerage and water supply, or proposes to contribute to, purchase, or execute such works, it shall be lawful for the governing body of such town Board to present a petition to the Chief Secretary praying for powers to borrow or re-borrow for such works on mortgage of the rates leviable by them under the special Act, an amount not exceeding two years assessable value of the premises assessable within the town in respect of which such money may be borrowed or re-borrowed, such amount to be repaid within such period not exceeding fifty years as such governing body, with the sanction of the Chief Secretary, shall in each case determine; and it shall be lawful for the Chief Secretary to direct inquiry on such petition, and to issue a provisional order thereupon, and to take steps for the confirmation of any such provisional order by Act of Parliament in the manner sanctioned in the preceding section.

Powers for inquiry directed by Chief Secretary.

7. Any person directed by the Chief Secretary to inquire into any matter into which such Secretary is empowered to direct inquiry under this Act may, for the purposes of such inquiry, summon before him any person whomsoever, and examine them upon oath or otherwise touching any matter relating to the purposes of such inquiry, and he may by any such summons require any officer of or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any Local Act of Parliament in force within the district or place to which any such inquiry may relate, to produce before him any surveys, plans, sections, rate books, or other like documents which may by reason of their office be in their custody or control touching any matter relating to the purposes of such inquiry, and may examine, inspect, or take copies of any such books, surveys, plans, sections, and documents, or any of them, or part thereof; and whosoever wilfully disobeys any such summons, or prevents any such person directed as aforesaid from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such person for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him; and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode.

A.D. 1871.

In case of petition, Bill confirming provisional order may be referred to select committee.

8. In case any petition shall be presented to either House of Parliament against any provisional order under the authority of this Act, in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the order so petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

Costs, how to be defrayed.

9. All costs, charges, and expenses incurred by the Chief Secretary in relation to any provisional order under this Act shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the rates levied in the town to which such order relates, and shall be repaid to the said Commissioners as they shall direct, either in one sum, or by annual instalments, not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Markets.

Power of governing body to establish markets.

10. The governing body of any town shall, with the consent of two thirds of the members of such governing body, have the power to do the following things or any of them within their town:

(1.) To provide a market-place, and construct a market-house and other conveniences, for the purpose of holding markets:

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market:

To purchase or take on lease land, and public or private rights in markets, and tolls, for any of the foregoing purposes:

To take stallages, rents, and tolls in respect of the use by any person of such market-place:

But no market or slaughter-house shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the town by any person, chartered joint-stock or incorporated company, without his or their consent:

Provisions of 10 & 11 Vict. c. 14., as to markets, &c.

(2.) For the purpose of enabling any governing body to establish markets in the manner aforesaid, or to regulate markets already established in any town, there shall be incor-

A.D. 1871.

porated with this Act the provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to markets:

incorporated.

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls; and

With respect to byelaws:

Subject to this proviso, that all tolls leviable by the governing body in pursuance of this section shall be approved by the Chief Secretary.

Provided always, that in case there shall be in force within any town the provisions of any Act or Acts for effecting objects the same as or similar to those of this section, but in different modes, the governing body of such town may proceed under the said Act or Acts, or under this Act, according as it shall seem best to such governing body.

Audit of Accounts.

Audit of accounts.

11. The accounts of the receipts and expenditure of the governing body of every town in Ireland, except the boroughs or municipalities of Cork, Kilkenny, and Waterford, shall be audited and examined once in every year by the auditor of accounts relating to the relief of the poor for the union in which such town or the greater part thereof is situate, unless such auditor be a contractor for any articles or things supplied to, or be a member of the governing body of, such town, or unless such auditor is unable to undertake the duties incident to such audit, in any of which cases such accounts shall be audited by such auditor of accounts relating to the relief of the poor for any other union, or by such other person as may, from time to time, be appointed by the Chief Secretary for that purpose.

Duties of auditor; and appeal against decision of auditor.

12. Every auditor acting in pursuance of this Act shall examine into the matter of every account which is to be audited by him, and shall disallow and strike out of every such account all payments, charges, and allowances made by any person and charged upon the funds of any town contrary to law, or which he deems to be unfounded, and shall surcharge the same upon the person making or authorising the making of the illegal payment, and shall certify the same to be due from such person, and upon application by any party aggrieved shall state in writing at the foot of such account the reasons for his decision in respect of such disallowance or surcharge,

A.D. 1871.

and also of any allowance which he may have made; and it shall be lawful for every person aggrieved by any such allowance and for every person aggrieved by such disallowance or surcharge, if such last-mentioned person have first paid or delivered over to any person authorised to receive the same all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of certiorari to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of certiorari for the removal of orders of justices of the peace, except that the condition of the recognizance shall be, to prosecute such certiorari, at the costs and charges of such person, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the rates which the governing body of the town interested in the decision of the question have power to make, unless the said court make any order to the contrary; and that, on the removal of such allowance, disallowance, or surcharge, the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by order of the court, direct the costs of the person prosecuting such certiorari to be paid out of rates which the governing body have power to make, as to such court may seem fit; which orders of court respectively shall be enforced in like manner as other orders of the said court are enforceable.

Provided always, that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of

making application to the Court of Queen's Bench for a writ of certiorari, to apply to the Chief Secretary to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the Chief Secretary to issue such order therein, under his hand, as he may deem requisite for determining the question.

As to recovery of disallowances.

13. Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the treasurer of the governing body within fourteen days after the same shall have been so certified, unless there be an appeal against the decision; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due, by the like process and with the like powers as in the case of sums certified upon the audit of the poor rate accounts, and shall be paid by the governing body all such costs and expenses, including a reasonable compensation for his loss of time incurred by him in such proceedings, as are not recovered by him from such person.

Power of auditor to summon witnesses, &c.

14. For the purpose of any audit of accounts under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit or any adjournment thereof, and if thereunto required by such auditor to verify on oath or affirmation (which oath or affirmation every such auditor is hereby authorised to administer or take) the truth of all such accounts and statements from time to time respectively, or subscribe a declaration as to the correctness of the same.

Penalties for giving false evidence, or refusing to give evidence.

15. If any person upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, he shall on being convicted thereof suffer the pains and penalties of perjury; and if any person shall refuse or wilfully neglect to attend in obedience to any summons of any auditor, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or copies of the same, which may be required to be produced for the purposes of this Act, to any auditor authorised by this Act to require the production thereof, every person so offending shall be deemed guilty of a misdemeanor.

A.D. 1871.

Remuneration of auditor.

16. Every auditor shall in respect of each audit under this Act be paid, out of the funds of the town in respect of which such audit shall have been held, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as the governing body of such town may from time to time appoint, together with his expenses of travelling to and from the place of audit.

Notice of audit, &c.

17. Before each audit of the accounts of any town under this Act,—

(1.) The governing body of such town shall, after receiving from the auditor the requisite appointment, give twenty days notice of the time and place at which such audit will be made, by advertisement in some one or more of the public newspapers circulated in such town; and

(2.) The governing body of such town shall cause a copy of the accounts which are to be audited, together with all books, deeds, contracts, accounts, bills, vouchers, and receipts mentioned or referred to in such accounts, to be deposited in the office of the town clerk, or other proper officer, of every such town, and the same shall be open, during office hours thereat, to the inspection of all persons interested for seven days before the audit; and all such persons shall be at liberty to take copies of or extracts from the same without fee or reward, and the production of the newspaper containing such notice shall be deemed to be sufficient proof of the notice of audit on any proceeding whatever.

Publication of accounts.

18. Within fourteen days after the completion of the audit of the accounts of any town the auditor shall report upon the accounts audited and examined, and shall deliver or transmit such report, with an abstract of the accounts, to the Chief Secretary, and a copy of the same to the governing body of such town, and the said governing body shall cause the same to be deposited in the office of the town clerk, or other proper officer, of such town, and shall publish an abstract of such accounts in some one or more of the newspapers circulated in the district in which such town is situate.

Arbitration.

Disputes may be settled by arbitration.

19. Where any dispute arises between any person whatsoever and the governing body of any town in relation to the execution of the special Act, or to any act, matter, or thing incident to or con-

sequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Railway Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Controverted Elections.

Persons qualified to vote may petition against election.

20. Where any person who voted or who was qualified to vote at any election of members of the governing body of any town thinks that there was, in respect of the election of any member of such governing body, any undue or unlawful proceeding, or that such member was not at the time of such election duly qualified to act as such, it shall be lawful for such person, within one month after such election, to present a petition to the court complaining of such undue or unlawful proceeding, or that such member was not duly qualified as aforesaid.

Every such petition shall be in the prescribed form, and shall be delivered to the prescribed officer of the court.

Every person so petitioning shall within three days after lodging such petition deliver a copy of such petition to the clerk of the governing body, and to any member of such governing body in respect of whose election such petition has been presented.

At the time of the delivery of the petition to the prescribed officer, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner—

(*a.*) To any person summoned as a witness on his behalf, or

(*b.*) To the member whose election or return is complained of,

shall be given on behalf of the person presenting the petition.

The security shall be to an amount of one hundred pounds; it shall be given either by recognizance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

As soon as conveniently may be after the presenting of such petition and the giving of such security, but not sooner than ten days thereafter, the court or one of the judges thereof shall proceed to inquire into and decide upon the matters and allegations contained in such petition, and shall have power to take evidence upon oath, and to compel the attendance of witnesses, and shall have all and the same powers, jurisdiction, and authority as in other

A.D. 1871.

cases coming within the jurisdiction of the court, and shall either confirm the election, or order a new election, or make such order and give such relief in the premises as to them or him may seem right, and such decision and orders shall in all respects be final and conclusive upon all parties.

Where the court or judge has declared that the election of any member of the governing body of any town was void, such member shall cease to act as such, and there shall be a vacancy in such governing body, which vacancy shall be filled by the election of a new member by the persons qualified to vote at such election, according to the provisions of the special Act in respect of the election of members.

Rules to be made by court.

21. The court may from time to time make, and may from time to time revoke and alter, general rules and orders for the regulation of the practice, procedure, and costs of petitions under the authority of this part of this Act, and the trial thereof.

Any general rules and orders made as aforesaid shall be deemed to be within the powers conferred by this part of this Act, and shall be of the same force as if they were enacted in the body of this part of this Act.

Any general rules and orders made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Amendment and Application of certain Acts relating to Public Health.

Repeal of section 60 of 29 & 30 Vict. c. 90. Recovery of penalties under 29 & 30 Vict. c. 90.

22. The sixtieth section of the Sanitary Act, 1866, shall be and the same is hereby repealed, and in lieu thereof be it enacted, that in Ireland penalties under the said Act and expenses or compensation thereby directed to be recovered in a summary manner, and nuisances and other offences liable to be prosecuted summarily, shall be recovered and prosecuted with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and all penalties recovered by any authority under the said

Act shall be paid to them respectively, and by them applied in aid of their expenses under the said Act. A.D. 1871.

Any order authorised to be made by justices under the said Act shall be deemed to be an order made upon a complaint on which justices are authorised to make orders under the said Acts.

Application to Ireland of the Sanitary Act, 1868, and the Sanitary Loans Act, 1869.

23. The provisions of the Sanitary Act, 1868, and the Sanitary Loans Act, 1869, shall, notwithstanding anything in the said Acts to the contrary, apply to Ireland with the modifications following; that is to say, the term "sewer authority" in the said Acts shall have the same meaning that it has in the Sanitary Act, 1866; the term "local rate" in the said Acts shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868: Provided always, that in any town where the sewer authority have not the power to make any such local rate, the said term shall include a rate which such sewer authority is hereby authorised to assess and levy, and which rate shall be assessed upon and levied from the persons and in the manner and with the like remedies in case of default in payment as if the same were a general yearly assessment made by commissioners acting in the execution of the principal Act under the authority of section sixty of the said Act.

Penalties under any provisions incorporated with the Sanitary Act, 1868, shall be recovered and applied in like manner as penalties under the Sanitary Act, 1866.

All powers relating to the execution of the said Acts in England, and by the same vested in one of Her Majesty's Principal Secretaries of State, shall, with regard to the execution of the said Acts in Ireland, be vested in the Lord Lieutenant.

PART II.

ADDITIONAL AND SPECIAL PROVISIONS,

Relating to the Local Government of Towns under the Principal Act or under special Acts incorporating said Act, in whole or in part.

Construction of Act.

24. The principal Act, so far as not inconsistent with this part of this Act, and this Act shall be construed together as one Act.

On adoption of principal Act in boroughs under

25. When in any borough in which under the provisions of an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty, intituled "An Act for

A.D. 1871.

municipal corporations, property of municipal corporation to vest in commissioners.

the Regulation of Municipal Corporations in Ireland," there are municipal commissioners acting in the execution of the said Act, and commissioners are elected under the provisions of the principal Act, then all the real and personal estate of such municipal commissioners, and any accumulation thereof, shall, forthwith, without any conveyance thereof, vest in the commissioners elected under the provisions of the principal Act, and when such estate and accumulation have so vested in such commissioners the same shall be applied by such commissioners in aid of the rates to be levied by them under the principal Act, and the surplus thereof, if any, shall be applied by them for the public benefit of the inhabitants, and improvement of the borough.

Amendment of sect. 22 of principal Act.

26. So much of section twenty-two of the principal Act as enacts that the payment of poor rates and grand jury rates by any person shall be necessary for the purpose of qualifying such person to vote at the election of commissioners shall be and the same is hereby repealed.

Clerk to the commissioners to make out alphabetical list of persons entitled to vote.

27. The clerk to the commissioners, at least fifteen days before the day appointed for the annual election of commissioners in each year, shall make out an alphabetical list of the names of all persons, with their respective residences, entitled to vote at such election in respect of premises within the town as they appear in the rates made for the purposes of the principal Act, and also of all persons entitled to vote at such election in respect of property within the town.

Such list shall be evidence that the persons therein named are entitled to vote at the next annual election for commissioners, and also at any other election for one or more commissioners which may be held before the next annual list is made out.

The clerk to the commissioners shall forthwith cause to be printed copies of the list to be made out by him in every year as aforesaid, and shall deliver a copy of such list to all persons requiring the same, on the payment of the sum of one shilling for each copy, and shall cause a copy of such list to be fixed on or near the outer door of the office of the commissioners, and in some other public and conspicuous situation within the town, on every day during the ten days next preceding the day appointed for the election of the commissioners in each year.

Borrowing of Money.

Repeal of section 69 of principal Act.

28. The sixty-ninth section of the principal Act shall be and the same is hereby repealed, and in lieu thereof be it enacted, that the

A.D. 1871.

Power to borrow.

commissioners may from time to time, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the principal Act or of any Act incorporating the said Act in whole or in part, borrow and take up at interest, on the credit of the rates authorised to be made or collected under the said Acts respectively, any sums of money necessary for defraying any such costs, charges, and expenses; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the commissioners may mortgage to the persons by or on behalf of whom such sums are advanced the said rates or any of them; but the exercise of the above power shall be subject to the following regulations:

(1.) Such money shall not be borrowed until an estimate of the amount required has been laid before the commissioners, nor until the expiration of six weeks after public notice has been given by the commissioners of the amount so proposed to be borrowed, and the purpose to which the same is to be applied, in some newspaper in circulation within the town, nor unless the proposal to borrow shall be agreed to at the next meeting of the commissioners or some adjournment of the same held after the expiration of six weeks after such public notice:

(2.) Such money shall not be borrowed except for permanent works, nor without the sanction of the Chief Secretary:

(3.) The amount of all moneys borrowed under the authority of this section shall not at any time exceed in the whole the assessable value for one year of the premises assessable within the town in respect of which such money may be borrowed:

(4.) The money may be borrowed for such time, not exceeding thirty years, as the commissioners, with the sanction of the Chief Secretary, determine in each case; and, subject as aforesaid, the commissioners may either pay off the moneys so borrowed by equal annual instalments, or they may in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of exchequer bills or other Government securities, such sum as will be sufficient to pay off the moneys so borrowed, or a part thereof, at such times as the commissioners may determine:

Provided always, that no commissioner or officer acting under them shall be personally liable for the repayment of any money so bor-

A.D. 1871.

rowed, but all such obligations shall be deemed and taken to be granted on the sole security of the said rates, and, save as above provided, so much of "The Commissioners Clauses Act, 1847," as relates to mortgages to be executed by the commissioners shall be incorporated with and form part of this part of this Act.

Appeal against Rating.

Power of appeal against rates, &c.

29. If any person finds himself aggrieved by any rate made by commissioners acting under the principal Act, or any special Act incorporating the said Act in whole or in part, or has any material objection to any person being put in or left out of such rate, or to the sum charged on any person therein, it shall be lawful for such person to appeal to any sessions of the peace to be held in the presence of the chairman of the county in which such commissioners have jurisdiction, within four calendar months next after the cause of such complaint shall have arisen; or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions.

Power to determine appeal or amend rate, or quash the same and order a new rate.

The chairman before whom such appeal shall be brought shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order therein as to him shall seem meet, which order shall be final and conclusive upon all parties; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right: Provided always, that the chairman to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the governing body to make a new rate, and they are hereby required to make the same accordingly.

If rate decreased amount

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be

struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the chairman that such person hath previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such sum and sums of money to be repaid by the said governing body, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of which such rate shall have been made.

thereof to be returned.

The person so appealing shall give or cause to be given at least fourteen days notice in writing of his or their intention of appealing as aforesaid, and of the matter or cause thereof, to the clerk of the commissioners, and the chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal; and if any person shall appeal against a rate because any other person is rated therein at any greater or less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall give such notice of appeal as aforesaid not only to the said clerk, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall if he so desire be heard upon such appeal.

Fourteen days notice in writing to be given of appeal and grounds thereof.

Notwithstanding any such appeal or notice thereof, every rate shall be payable and shall be levied as if no appeal had been made until such rate shall be actually quashed or amended.

Pending appeal, rate to be payable as if no appeal made.

The chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such costs to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Costs may be awarded.

30. From and after the commencement of this Act the provisions of the principal Act which are herein-before amended shall, as amended by this part of this Act, be in force in every town or township in which the said provisions were adopted, or in which, under any special Act, the same or any of them or any modification or amendment of the same were in force prior to the commencement

Amendment of Towns Improvement (Ireland) Act to be in force on commencement of this Act.

A.D. 1871.

of this Act: Provided always, that where in any such special Act there are contained provisions for effecting the same or similar objects, the Commissioners acting in execution of the said special Act may, with the consent of two thirds of their number, continue to proceed under the provisions of such special Act.

PART III.

MISCELLANEOUS.

Lord Lieutenant, with approval of Treasury, to appoint persons to carry Act into execution.

31. For the purpose of carrying this Act into execution it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to appoint such persons at such salaries as he may think necessary, and from time to time to dismiss such persons and appoint others in their place. The persons so appointed shall act in the execution of this Act and form the Local Government Department of the Chief Secretary's Office; and the salaries of such persons shall be paid out of moneys to be provided by Parliament for that purpose.

Exception of towns in the county of Dublin under special Acts, unless with consent.

32. Notwithstanding anything in this Act contained, no provision of the same shall be held to extend or to be applicable to any town within the county of Dublin wherein the governing body have been constituted and are now acting under the provisions of any special Act, unless and until such sanction, consent, and approval shall have been given to the adoption of such provision by a special resolution of the persons qualified to vote at any election of the members of the governing body of such town, to be passed at a meeting summoned as herein-after mentioned.

Meetings for the purpose of passing any special resolution within the meaning of the preceding paragraph in any town shall be summoned on the requisition in writing of not less than thirty persons qualified to vote at any election of members of the governing body of such town by the chairman of such governing body, and a month's previous notice of the summoning of such meeting, stating the time and place where same is to be held, shall be given in some one or more newspaper or newspapers circulating within such town, and by causing copies of the same to be affixed to the principal doors of the places to which notices by such governing body are usually affixed.

The chairman of the governing body of such town, or in case of his absence some one of the governing body of such town appointed with the consent of the majority of the persons present at such

meeting, shall be the chairman of such meeting. Such chairman shall propose to the meeting the resolution for the adoption of any provision of this Act, and the meeting shall decide by a majority of the persons qualified to vote at the election of members of the governing body of such town, and voting for or against such adoption: Provided always, that if any person qualified to vote as aforesaid shall demand that the adoption or rejection of such provision shall be decided by a poll, such poll shall be taken in the same way and of the persons qualified as aforesaid, and subject to the same conditions in all respects, so far as may be, as are prescribed by the special Act in force in such town with respect to the election of members of the governing body of such town.

Where any of the provisions of this Act are adopted by any such meeting and no poll is demanded, or where a poll is demanded and the demand is withdrawn at the instance of the person making the same, or where the poll has been taken and the adoption of any such provisions has been thereby decided, the chairman shall make and sign a declaration to that effect, and shall cause a copy of the same to be published in the Dublin Gazette. From and after the date of such publication any provision of this Act therein stated to have been adopted shall be in force within the town in which the same is stated in the said declaration to have been adopted, and the production of a copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of such declaration, shall be conclusive evidence of the adoption of the said provision, and that all the proceedings required by this Act to be had for the adoption of the same were well and sufficiently had, and that such provision is in force within such town.

SCHEDULE.

Description of Places.	Description of Governing Body.
The city of Dublin - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns corporate, with exception of Dublin.	The Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns having Commissioners appointed by virtue of an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make "provision for the Lighting, Cleans- "ing, and Watching of Cities and "Towns Corporate and Market "Towns in Ireland in certain cases."	The Commissioners.
Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103.), or under any Local Act.	The Town Commissioners.
Townships having commissioners under Local Acts.	The Township Commissioners.

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