



CHAPTER cxxxiv.

An Act to vest Saint Stephen's Green, Dublin, in the Commissioners of Public Works in Ireland; for maintaining and regulating the same as a Public Park; and for other purposes. A.D. 1877.

[23d July 1877.]

WHEREAS by an Act passed in the session of Parliament held in the fifty-fourth year of the reign of King George the Third, chapter two hundred and eight, intituled "An Act for 54 G.3.c.208
" the Improvement of the square called Saint Stephen's Green in
" the city of Dublin," (in this Act referred to as "the Act of 1814,") the Lord Mayor, Recorder, Treasurer, and High Sheriff of the said city, and the representatives in Parliament for the said city, all for the time being, together with certain then inhabitants of the said square, and their successors to be elected in manner therein-after mentioned, were constituted and appointed Commissioners for carrying that Act into execution; and such Commissioners were empowered to contract for the absolute purchase of all or such part of the ground in the interior of the square called Saint Stephen's Green as they should judge necessary for the purposes of that Act, or for a grant thereof in fee farm, subject to such annual rent as might be agreed upon, and the moneys to be paid either for the absolute purchase thereof or for the annual rent to be received under such grant were to be paid out of the moneys to be raised by virtue of that Act, and the said Commissioners were empowered to contract for the making, finishing, and completing, improving, ornamenting, and inclosing of the said square; and towards making, completing, and finishing the said inclosure and improvements, and in order to create a permanent fund for that purpose, and for the payment of the purchase money of the ground in the interior of the said square, or for the annual rent thereof, all the houses, ground, lots, and tenements surrounding the said square were made liable to the annual payment of such sum as the said Commissioners should from time to time in manner therein mentioned direct, not exceeding the rate of five shillings for each foot of frontage; and in order to raise

A.D. 1877. — a sufficient sum of money for the purposes of the said Act, the said Commissioners were empowered to raise by sale or mortgage of all or any part of the said fund, or by issuing debentures thereon, bearing interest at a rate not exceeding six pounds per centum per annum, or by the yearly appropriation of any part thereof, such sum or sums of money as should or might be sufficient for the purpose of paying the purchase money or rent of the ground of the interior of the said square (as the case might be) as aforesaid, and for all other the purposes therein mentioned :

And whereas in pursuance of the provisions of the Act of 1814 the Commissioners constituted by the said Act agreed with the Right Honourable the Lord Mayor, Aldermen, and Burgesses of the said city of Dublin (in this Act referred to as "the Corporation") for a grant in fee farm of the said square at a yearly rent, and in pursuance of such agreement a conveyance by way of lease and release bearing date the nineteenth day of November one thousand eight hundred and fourteen was made to the said Commissioners by the Corporation of the land or ground in the interior of the said square, and which are the premises herein-after more particularly described, at the yearly rent of three hundred pounds late Irish currency, equal to two hundred and seventy-six pounds eighteen shillings and six-pence present currency of the United Kingdom :

And whereas since the passing of the Act of 1814, the Commissioners thereby constituted and their successors have continued to act in execution of the said Act :

And whereas the residue now remaining unpaid of the debt created under the Act of 1814 by the issue of debentures amounts to two thousand pounds or thereabouts, together with the interest thereon now due at the rate of four pounds per centum per annum :

And whereas there is within the municipal boundaries of the city of Dublin no public park, and it would be of great public advantage, and conduce to the health and enjoyment of the inhabitants of the said city, if the said square were opened for their recreation and enjoyment, and were for that purpose discharged from all estates, claims, rights, and incumbrances affecting it, and were vested in and maintained and managed by the Commissioners of Public Works in Ireland :

And whereas in furtherance of the object aforesaid it has been agreed between the Corporation and the Commissioners of Saint Stephen's Green (in this Act referred to as the "existing Commissioners"), and Sir Arthur Guinness, Baronet, one of the members elected to serve in the present Parliament for the said city of Dublin, that the said Sir Arthur Guinness should provide such funds as

may be necessary for paying the residue now remaining unpaid of the said debenture debt, and all interest which shall accrue due thereon after the passing of this Act and until the discharge of the said debt, and should effect such improvements in the said square as shall, in the opinion of the Commissioners of Public Works in Ireland, render it suitable for a public park ; and that the Corporation should immediately after the gale day next ensuing after the passing of this Act relinquish the aforesaid yearly rent, and release the said existing Commissioners and the said square from all claims on foot thereof, and, so soon as the said square shall be opened for the purposes aforesaid, should thenceforth gratuitously supply water and gas at such time and in such quantities as may in the opinion of the said Commissioners of Public Works be required for the use of the said square as a public park ; and that all the estate and interest of the existing Commissioners under the said conveyance of the nineteenth day of November one thousand eight hundred and fourteen, and all their liabilities thereunder, should, so soon as the said square shall be opened for the purposes aforesaid, immediately be determined in the manner herein-after provided ; and that the said square should be vested in the Commissioners of Public Works in Ireland, (herein-after called "the Commissioners of Public Works,") discharged from all claims of the said existing Commissioners, and of the Corporation, and from all other estates, rights, and incumbrances affecting the same :

A.D. 1877.

And whereas the Lords Commissioners of Her Majesty's Treasury have sanctioned the said arrangement :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Saint Stephen's Green (Dublin) Act, 1877." Short title.

2. Immediately after the passing of this Act an account shall be taken by the existing Commissioners of the sums which shall be then due for principal and interest on foot of debentures issued for moneys borrowed in pursuance of the provisions of the Act of 1814. Upon the taking of such account the said Sir Arthur Guinness shall pay to the existing Commissioners the sum which shall be ascertained to be due for principal, and for such interest as shall accrue due after the passing of this Act and up to the date of such payment of the principal, and the existing Commissioners shall

Discharge of debt.

A.D. 1877. thereupon, as soon as may be possible, apply the same in payment of the said debenture debt, and the interest thereof.

Payment
into court by
Commissioners.

3. If the existing Commissioners should be unable after diligent inquiry to ascertain the person to whom each part of the said sum secured by debentures issued under the authority of the Act of 1814, and the interest thereon, is payable, or where any part thereof is payable to a person who, or whose committee or guardian, cannot give an effectual receipt for the same, the existing Commissioners may pay such parts of the said sum into the Court of Chancery in Ireland, under any Act for the time being in force for the relief of trustees; and upon such payment into court being made, the existing Commissioners shall be discharged from all claims on account of each such part, and of all interest thereon.

Saint
Stephen's
Green to be
rendered
suitable for a
public park.

4. At any time after the passing of this Act, and before the first day of July one thousand eight hundred and seventy-nine, it shall be lawful for the said Sir Arthur Guinness to enter upon the said square, as the same is in the sixth section of this Act more particularly described, and, if necessary, to alter the present inclosure of the same, and to lay out the same as public and ornamental pleasure grounds and to make roads, paths, and fences therein, and to erect lamps and fountains, and to lay down gas pipes and water pipes therein, and to do all such acts, matters, and things, whether of the same kind as those above mentioned or different, as may be proper for rendering the said square suitable for use as a public and ornamental park. The works which the said Sir Arthur Guinness is by this section empowered to effect shall be according to plans and specifications to be prepared by the said Sir Arthur Guinness, and to be agreed on before the commencement of the works between him and the said Commissioners of Public Works, subject to the approval of the Lord Lieutenant.

Order of
Lord Lieu-
tenant for
opening
Saint
Stephen's
Green.

5. On or before the first day of July one thousand eight hundred and seventy-nine, upon proof to the satisfaction of the Accountant General of the Court of Chancery in Ireland of the payment by the said Sir Arthur Guinness to the existing Commissioners of the sums herein-before mentioned in that behalf, and of the application or lodgment of the same by the existing Commissioners for the purpose of discharging the said debenture debt in the manner herein-before prescribed, the said Accountant General shall give notice of such payment and application or lodgment to the Lord Lieutenant. On or before the same first day of July, the Commissioners of Public Works, if they shall be satisfied that the

said square has been rendered suitable for a public and ornamental park according to the plans before mentioned, shall give notice that they are so satisfied to the Lord Lieutenant. Upon the receipt of both the notices herein-before mentioned, the Lord Lieutenant shall, by order to be published in the Dublin Gazette, declare that the said square is open for a public park, to be called and known by the name of "Saint Stephen's Green." A.D. 1877.

6. Upon the making of the said order the said square in Dublin called Saint Stephen's Green, and all other property (if any) (in this Act referred to as "Saint Stephen's Green") comprised in the said conveyance, bearing date the nineteenth day of November onethousand eight hundred and fourteen, made by the Corporation to the then Commissioners for the improvement of Saint Stephen's Green, and all the estate and interest therein of the Corporation and of the existing Commissioners, and all the ground which has been for some time before the passing of this Act inclosed within the posts and chains of Saint Stephen's Green, shall be and the same are hereby transferred to and vested for the purposes of this Act in the Commissioners of Public Works, as incorporated by the Act of the session of Parliament held in the thirty-second and thirty-third years of the reign of Her present Majesty, chapter seventy-four; and the Commissioners of Public Works shall thenceforth hold the same absolutely freed and discharged from the said conveyance, and from the rent reserved by the same, and, save as in this Act expressly provided, from all obligations, debts, and liabilities whatsoever affecting the same, and discharged from all former and other estates, rights, titles, charges, and incumbrances whatsoever.

Transfer of
Saint Ste-
phen's Green
to the Com-
missioners of
Public
Works.

7. When and so soon as Saint Stephen's Green shall have been transferred to and vested in the Commissioners of Public Works as aforesaid (which transfer and vesting is herein-after referred to as "the transfer"), all property of whatsoever description belonging to the existing Commissioners under the Act of 1814 in their capacity as such Commissioners shall vest absolutely in the Commissioners of Public Works.

Transfer of
property of
existing
Commis-
sioners to
Commis-
sioners of
Public
Works.

8. From and after the transfer the existing Commissioners shall cease to act as such, and all the houses grounds lots and tenements surrounding Saint Stephen's Green shall be absolutely freed and discharged from the payment of any annual or other sums by direction of the Commissioners under the Act of 1814, except for the payment of any debt or the discharge of any obligation or liability incurred before the transfer, and not otherwise satisfied or discharged by the operation of this Act, and from all liability in

Existing
Commis-
sioners to
cease to act,
and repeal of
54 G. 3.
c. 208.

A.D. 1877. — respect of any debentures issued under the authority of the Act of 1814, or of any moneys secured by any such debentures as aforesaid, and the Act of 1814 shall thereupon be repealed: Provided always, that, except as by this Act otherwise specially provided, such repeal shall not affect anything duly done or suffered under the Act of 1814 before the transfer.

Continuance
of powers of
existing
Commis-
sioners until
transfer.

9. Until the transfer, the powers, authorities, privileges, and liabilities of the existing Commissioners under the Act of 1814 shall, subject to the provisions of this Act, continue in every respect as if this Act had not been passed: Provided always, that after the passing of this Act, the existing Commissioners shall not make any payment, enter into any contract or agreement, or do any act not necessary in the ordinary course of their business, or whereby the said Sir Arthur Guinness might be prejudicially affected in executing the powers conferred upon him by this Act, or by reason of which the Commissioners of Public Works upon the transfer may be in anywise injured or prejudicially affected, or Saint Stephen's Green may be in anywise charged or incumbered.

Contracts
prior to
transfer to
be binding.

10. Except as is by this Act otherwise specially provided, all contracts and agreements entered into or made before the transfer by, to, or with the existing Commissioners, or any trustees or persons acting on their behalf, or by, to, or with any other person to whose rights and liabilities they have or shall have succeeded, shall be determined upon the transfer, but without prejudice to any right of action for any breach of any of such contracts which shall have theretofore occurred.

Recovery of
rates.

11. In addition to the remedies given by the Act of 1814 for the recovery of the rates thereby charged, it shall be lawful for the existing Commissioners until the transfer, and afterwards as regards any rate or rates in arrear at the time of the transfer for the Commissioners of Public Works, to sue for and recover any such rate or rates which now is or are or hereafter shall be in arrear by civil bill before the Recorder of the city of Dublin from any person or persons who shall be occupier or occupiers of any premises in respect of which such rate or rates shall be payable, or from whom the same might be recovered by distress.

Actions, &c.
not to abate.

12. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the existing Commissioners, or any of them, in relation to the affairs of the existing Commissioners, or to which they or any of them, in relation to such affairs, shall be parties immediately before the transfer, but every such action,

suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Commissioners of Public Works (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the existing Commissioners, or any of them, if this Act had not been passed, the Commissioners of Public Works being in reference to the matters aforesaid in all respects substituted for the existing Commissioners.

13. From and after the twenty-ninth day of September one thousand eight hundred and seventy-seven, all liability to pay any rent which but for the passing of this Act would have accrued due after such day, under the above-recited deed of the nineteenth day of November one thousand eight hundred and fourteen, in respect of Saint Stephen's Green shall absolutely cease and determine; and all rights of the Corporation in respect of any such rent shall be deemed to be and the same are hereby released.

14. From and after the transfer the Corporation shall furnish, free of cost, such supplies of water and gas as the Commissioners of Public Works shall from time to time determine to be suitable for the use of Saint Stephen's Green as a public and ornamental park: Provided that the Commissioners of Public Works shall not at any time require such a supply of water as would necessarily impair the sufficiency of the supply of water by the Corporation for domestic use or manufacturing purposes.

Management of Saint Stephen's Green.

15. The Commissioners of Public Works shall after the transfer maintain Saint Stephen's Green as an ornamental park or pleasure ground for the recreation or enjoyment of the public, and may, with the consent of the Commissioners of Her Majesty's Treasury, erect any lodges, ornamental buildings, or other erections thereon, and may, with the like consent, if they think fit, provide any ornamental fountains or other ornamental waterworks therein, and employ such gate or lodge keepers and other necessary officers and servants, for the order and management thereof, in all respects as they may deem suitable and proper, and may from time to time make such alterations and improvements in the arrangement, laying out, planting, draining, and fencing of the same, for the purposes of such park or pleasure ground, and alter or pull down any building, erection, or other work therein, as they may think fit; and, subject to the powers aforesaid, the Commissioners of Public

Commissioners of Public Works to maintain Saint Stephen's Green as a park or pleasure ground, and may erect lodges, lay out ground, &c.

A.D. 1877. Works shall at all times maintain and keep Saint Stephen's Green, and the buildings and erections thereon, and all other things thereto belonging, in good and sufficient repair and in a proper and ornamental condition, and shall allow the same to be used and enjoyed as a public park for the recreation and enjoyment of the public, and not for any other purpose; and for effecting any of the objects of this Act it shall be lawful for the Commissioners of Public Works to accept private subscriptions from persons willing to contribute towards carrying into execution the powers of this Act, or to permit such persons from time to time to contribute to the objects of this Act by the erection of such statues or other suitable works in the said park as the said Commissioners of Public Works may approve.

Byelaws.

Commis-
sioners of
Public
Works may
make bye-
laws.

16. At any time after the transfer, the Commissioners of Public Works may from time to time make such byelaws as they think fit for all or any of the purposes following; that is to say,

For regulating the conduct of the officers and servants of the Commissioners of Public Works :

For regulating and limiting the use and enjoyment of Saint Stephen's Green, and the times during which the same shall be open to the public, and the modes and purposes in or for which the same and each part thereof may be used by the persons frequenting the same :

For preserving order and good conduct among persons frequenting Saint Stephen's Green, and for preventing nuisances and obstructions in or on the pathways or roads surrounding or adjoining the same, and for preventing any annoyance to the inhabitants of the neighbouring houses by the persons using the said park :

Generally for carrying into effect the provisions of this Act.

The Commissioners of Public Works may repeal, alter, amend, or vary any such byelaw, or may make a new byelaw or new byelaws in lieu thereof or in addition thereto.

Nothing in this Act contained shall authorise the making of any byelaw repugnant to law or this Act.

The Commissioners of Public Works may by any byelaw provide for the removal from the said park or for the arrest of any person offending against such byelaw, and may impose penalties for offences against any byelaw, not exceeding in respect of any offence five pounds: Provided always, that every such byelaw shall be so framed

A.D. 1877.

No byelaw made by the Commissioners of Public Works under this Act shall be of any force or effect until the same has been publicly exhibited in Saint Stephen's Green for fourteen days, and a copy thereof delivered to the town clerk of the City of Dublin, and has been afterwards approved under the hand of the Chief or Under Secretary to the Lord Lieutenant, and shall have affixed thereto the seal of the Commissioners of Public Works, and shall be published as herein-after mentioned.

Byelaws
to be set up
in Saint
Stephen's
Green.

Evidence of byelaws.

Penalty for defacing boards.

Recovery of penalties.

A.D. 1877.

Part of ex-
penses of
Commis-
sioners of
Public
Works to be
paid out of
moneys voted
by Parlia-
ment.

Saint
Stephen's
Green
exempt from
taxes.

21. The Commissioners of Public Works shall defray such of the expenses incurred in carrying this Act into execution as cannot be defrayed out of moneys received by them under this Act or applicable to the purposes of this Act, out of such moneys as may be provided by Parliament for such purpose; and the accounts of all moneys expended by the Commissioners of Public Works under this Act shall be subject to the provisions of the Exchequer and Audit Departments Act, 1866.

22. The Commissioners of Public Works shall not be assessed or rated to any county, borough, or other local rate or cess in respect of Saint Stephen's Green or any erection thereon, or any part thereof respectively.