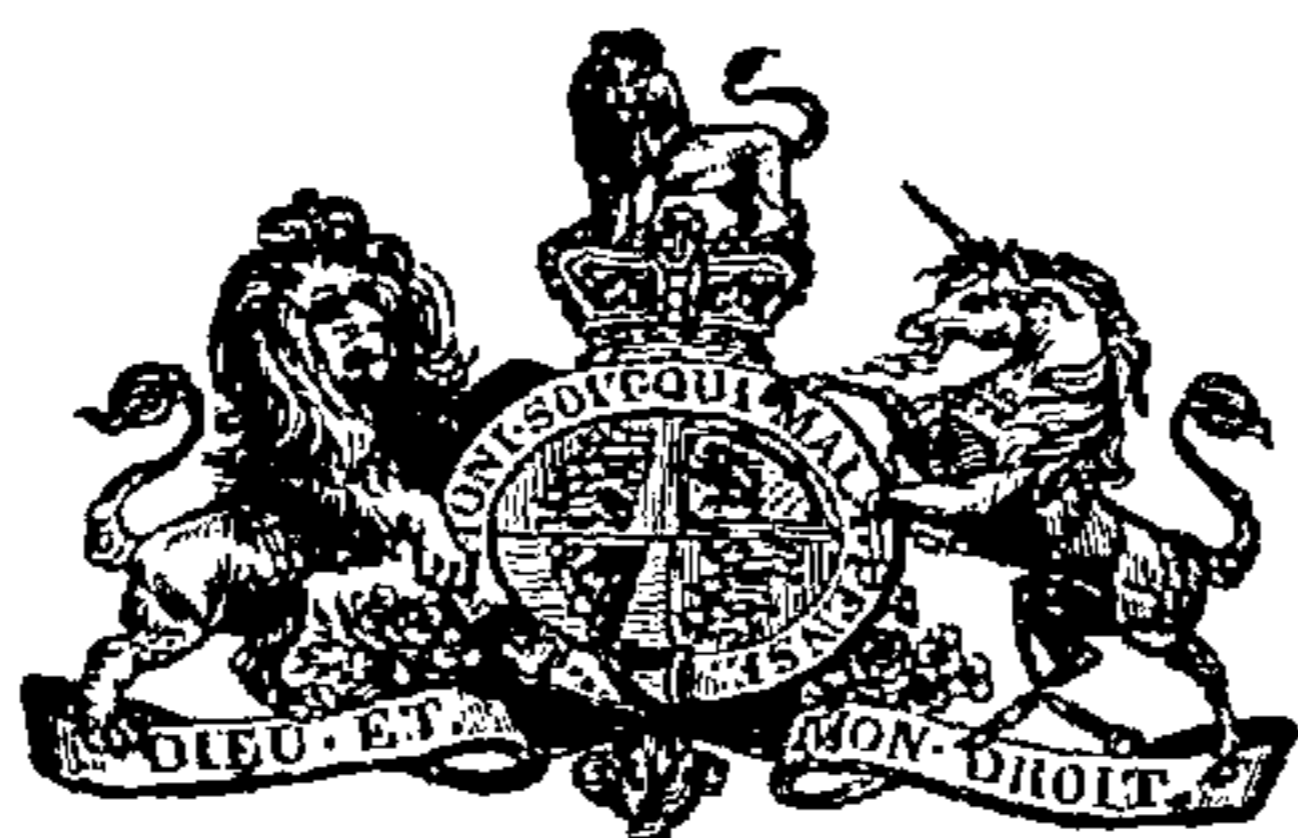


[60 & 61 Vict.] *Rathmines and Rathgar Township* [Ch. cxiv.]
Tramways and Improvement Act, 1897.



CHAPTER cxiv.

An Act to empower the Rathmines and Rathgar Improvement Commissioners to purchase and work certain tramways of the Dublin United Tramways Company and to confer further powers on the Commissioners with respect to street widenings the acquisition of lands the borrowing of moneys and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS by the Rathmines Improvement Act 1847 (as amended by the Rathmines and Rathgar Improvement Act 1862 the Rathmines Rathgar and Saint Catherine's Improvement Act 1866 and the Rathmines and Rathgar (Milltown Extension) Act 1880) the township of Rathmines and Rathgar in the county of Dublin (in this Act referred to as "the township") was constituted and under the provisions of those Acts and of divers subsequent Acts the township is regulated and governed :

And whereas the Rathmines and Rathgar Improvement Commissioners (in this Act referred to as "the Commissioners") are the local and road authority within the township :

And whereas various tramways have been from time to time authorised to be laid down in the township and the whole of the said tramways are now vested in and belong to and are worked by the Dublin United Tramways Company :

And whereas under the Dublin Central Tramways Act 1878 (in this Act called "the Act of 1878" and which Act incorporated section 43 of the Tramways Act 1870) and subsequent Acts the Commissioners have or claim to have power to purchase within six months from the fourth day of July one thousand eight hundred and ninety nine being the expiration of twenty-one years from the fourth day of July one thousand eight hundred and seventy-eight

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A.D. 1897. (the date of the passing of the Act of 1878) and subsequently within six months after the expiration of every subsequent period of seven years and otherwise as in the said section mentioned the tramways situate in the township authorised by the Act of 1878 now vested in and belonging to the Dublin United Tramways Company (and which comprise the greater part of the existing Rathmines Tramways) and it is expedient to authorise the Commissioners to acquire and purchase not only those tramways but also certain other tramways herein-after mentioned and together referred to as the Rathmines Tramways at the periods and in manner herein-after set forth and to make such other provision with reference to the Rathmines Tramways until the same are acquired and purchased as herein-after mentioned :

And whereas the Dublin United Tramways Company are promoting two Bills in the present session of Parliament intituled respectively as originally introduced " A Bill to authorise the use of " electrical and other mechanical power on certain tramways of " the Dublin United Tramways Company and for other purposes " and " A Bill to empower the Dublin United Tramways Company to " construct new tramways and for other purposes " (in this Act called respectively " the Electrical Power Bill " and " the New Lines Bill ") and have applied to the Lord Lieutenant in Council for an Order in Council herein-after mentioned by which Bills or Order the Company are seeking powers to construct new tramways some of which will be situated in the township and to work the same and the existing Rathmines Tramways by electrical power :

And whereas it is expedient to amend certain of the Acts relating to the township as herein-after set forth :

And whereas it is expedient to confer on the Commissioners additional powers with reference to street widenings the borrowing of money the erection of dwellings for the labouring class and other matters within the township :

And whereas it is expedient to authorise the Commissioners to acquire the lands in this Act mentioned or referred to :

And whereas estimates have been prepared by the Commissioners for the purchase of land for the street widenings the making of footpaths and the completion of the erection of a town hall public offices and public library and otherwise as provided by section 37 of the Rathmines and Rathgar Township Act 1893

and the housing of the labouring class and such estimates are as follows:-- A.D. 1897.

For street widenings and making footpaths twenty thousand pounds;

For the purchase of land and for building houses for the labouring class forty thousand pounds; and

For the completion of the erection of a town hall public offices and public library and otherwise as aforesaid five thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section 238 of the Public Health (Ireland) Act 1878:

And whereas it is expedient to make such other provisions as this Act contains:

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of the Commissioners at a meeting held on the twelfth day of January one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Daily Express a newspaper circulating in the township such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses attending the promotion of the Bill for this Act should be paid and defrayed out of the township funds township rates and water rate and other rates and revenues of the township or any of them under the control of the Commissioners or out of funds to be borrowed under this Act for that purpose and to be debited to such account and in such proportion as the Commissioners should determine:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board for Ireland as to matters within their jurisdiction and of the Chief Secretary for Ireland as regards other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Commissioners at a further special meeting held in pursuance of a similar notice on the third day of February one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas a majority of the persons qualified to vote at the election of the Commissioners approved on the taking of a poll in

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A.D. 1897. the manner provided by the said Borough Funds (Ireland) Act 1888
— of the special resolution approving of the promotion of the Bill for
this Act :

And whereas plans and sections showing the lines situations and levels of the street widenings authorised by this Act and plans showing the lands to be acquired under the powers of this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing those lands have been deposited with the clerk of the peace for the county of Dublin and are in this Act referred to as the deposited plans sections and books of reference respectively :

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

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

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited for all purposes as the Rathmines and Rathgar Township Tramways and Improvement Act 1897.

Division of Act into parts. 2. This Act is divided into parts as follows :—
Part I.—Preliminary.
Part II.—Tramways.
Part III.—Improvements.
Part IV.—Lands.
Part V.—Finance.
Part VI.—Miscellaneous.

Incorporation of general Acts. 3. The Lands Clauses Acts (as far as they are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act.

Interpretation of expressions in general Acts. 4. In construing for the purposes of this Act the Acts mentioned in the last preceding enactment (unless the context otherwise requires or unless it is otherwise explained) the expressions “the promoters” “the promoters of the undertaking” or “the Company” and other like expressions shall mean the Commissioners and the words “the undertaking” “the railway” and “works” shall mean the works by this Act authorised.

5. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act (unless the subject or context otherwise requires)—

A.D. 1897.
 Interpretation of terms.

The expression "the Commissioners" means the Rathmines and Rathgar Improvement Commissioners;

The expression "the township" means the Rathmines and Rathgar Township;

The expression "the Local Government Board" means the Local Government Board for Ireland;

The expression "a justice" means a divisional justice of the police district of Dublin Metropolis.

PART II.—TRAMWAYS.

6.—(A.) The Commissioners shall be entitled and are hereby authorised and empowered to purchase and the Dublin United Tramways Company (in this section referred to as "the Company") shall subject to the provisions of this section sell in the manner and on the terms provided by section 43 of the Tramways Act 1870 (Future purchase of undertaking by local authority) the Rathmines Tramways as herein-after in this section defined and the said power of purchase shall come into operation and be exerciseable by the Commissioners as to all or any of the Rathmines Tramways within six months from the expiration of forty years from the thirty-first day of December one thousand eight hundred and ninety-eight and also subsequently within six months after the expiration of every subsequent period of seven years and otherwise in manner provided by the said section 43 of the said Tramways Act 1870 and that section is hereby incorporated and its provisions are hereby mutatis mutandis made applicable to the Commissioners and to the Company and shall apply to the purchase of the Rathmines Tramways by the Commissioners by this section authorised Provided that in determining the amount to be paid by the Commissioners to the Company for such purchase as aforesaid there shall be added to the then value as ascertained in accordance with the said section 43 of the Tramways Act 1870 of the Rathmines Tramways so to be purchased thirty per centum on the said value so ascertained and in the event of the Commissioners determining at any of such periods as aforesaid to exercise the right and power hereby conferred on them the Company shall use its best endeavours to facilitate such sale and purchase and if the Commissioners deem it necessary or expedient

Purchase of the Rathmines Tramways.

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A.D. 1897. — to promote any Bill or Bills in Parliament or to apply for any provisional or other order for the purpose of effectually carrying out such sale and purchase or of obtaining powers of working the Rathmines Tramways so purchased or of borrowing money therefor or any other powers necessary for such purposes or any of them or otherwise in relation thereto the Company shall not directly or indirectly offer or sanction any opposition to but shall support such promotion or application.

(B.) When the Commissioners shall have acquired any of the Rathmines Tramways the same may be maintained and worked by the Commissioners and all the rights powers and authorities which belonged to and were vested in and enjoyed by the Company in reference to the Rathmines Tramways so acquired shall be transferred to vested in and may be exercised by the Commissioners in place of the Company in like manner as if the Commissioners had been originally authorised to make and work the Rathmines Tramways.

(c.) For the purposes of this section the expressions "the Dublin United Tramways Company" and "the Company" mean and include not only that Company but also any person or persons corporation or company (other than the Commissioners) who at the periods when the aforesaid power of purchase by the Commissioners comes into operation are the owner or owners of the Rathmines Tramways or any part or parts thereof.

The expression "the Rathmines Tramways" means the existing tramways belonging to the Dublin United Tramways Company situate in the township or any area which may hereafter be included in the said township and any tramways within such district which may be authorised by the Electrical Power Bill the New Lines Bill (if passed) or any Act of Parliament passed in the session 1897 or in any subsequent year or by the Order in Council referred to in the advertisements published in the month of February 1897 in the Dublin Gazette and Daily Express :

And (for the purposes of this section) the following expressions in section 43 incorporated herewith of the Tramways Act 1870 shall have the meanings hereby assigned to them (that is to say) :—

The expressions "the promoters of a tramway" or "promoters" as the case may be shall mean and include the Company as defined in this section ;

The expression "local authority" shall mean the Commissioners and the expression "local rate" shall mean any rate leviable

or revenue receivable by the Commissioners on which township stock raised or raisable by them is authorised to be charged. A.D. 1897.

7. The Dublin United Tramways Company (in this section referred to as "the Company") shall pay to the Commissioners in respect of the existing tramways belonging to the Company situate in the township and of the tramways to be constructed under the said Bills and proposed Order in Council in the immediately preceding section mentioned and not for any other tramways the respective annual sums or rents following (that is to say) During the first year after the expiration of one year from the date of the passing of the Electrical Power Bill or the New Lines Bill whichever shall first receive the Royal Assent the sum of one thousand pounds and during every subsequent year from the expiration of such period whether the said tramways are electrically equipped or not the yearly rent or sum of two thousand pounds a year Provided however that if the said tramways or any of them are electrically equipped before the expiration of two years from the date when the first of said Bills shall have received the Royal Assent then in that case the said annual rent of two thousand pounds shall commence from the date of such equipment and from and after the expiration of five years from the date when the yearly rent or sum of two thousand pounds shall have begun to accrue the Company shall pay the Commissioners the yearly rent or sum of two thousand two hundred pounds and such respective annual sums or rents shall thenceforth until the Rathmines Tramways as defined in the immediately preceding section shall have been acquired by the Commissioners be paid without any deduction by equal half-yearly payments the first of such payments to be made six months after the date at which such annual rent begins to accrue If the Company shall at any time make default in payment to the Commissioners of the said sums on the days appointed for payment thereof then the Commissioners shall be entitled (without prejudice to any other remedy by process of law or otherwise) forthwith to take proceedings against the Company in any court of competent jurisdiction for the recovery of the amount due to the Commissioners together with interest at the rate of four per centum per annum until payment and when they shall have obtained judgment to levy the same against or off any part of the property of the Company wherever situate Provided that nothing herein contained shall affect the obligation of the Company to maintain so much of the streets and roads in which the said tramways or any part of them are or may be laid as they are by law bound to maintain.

Rent to be paid to the Commissioners by the Dublin United Tramways Company.

A.D. 1897.

PART III.—IMPROVEMENTS.

Power to
make street
improve-
ments &c.

8. Subject to the provisions of this Act the Commissioners may in the lines and according to the levels shown upon the deposited plans and sections relating thereto respectively make and maintain the street widenings herein-after described with all proper works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for the purpose and may exercise the powers herein-after mentioned (that is to say) :—

- (1.) They may widen Oakley Road such widening commencing at a point in Oakley Road thirty yards or thereabouts measured in a south-westerly direction from the centre of the Dublin Wicklow and Wexford Railway Bridge and terminating at a point in Oakley Road forty yards or thereabouts measured in a north-easterly direction from the centre of the said Dublin Wicklow and Wexford Railway Bridge :
- (2.) They may widen Ashfield Road such widening commencing at the junction of Cullenswood Road and Ashfield Road and terminating at a point in Ashfield Road twenty yards or thereabouts measured in a southerly direction from the centre of Cullenswood Road :
- (3.) They may widen Maxwell Road such widening commencing at the junction of Upper Rathmines Road and Maxwell Road and terminating at a point fifty yards or thereabouts measured in a south-westerly direction from the centre of Upper Rathmines Road :
- (4.) They may widen Richmond Avenue such widening commencing at the junction of Richmond Avenue with Milltown Footpath and terminating at a point on Richmond Avenue one hundred yards or thereabouts measured in a south-easterly direction from the centre of Milltown Footpath.

Power to
deviate.

9. In constructing the works by this part of this Act authorised the Commissioners may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet Provided always that the level of the roadway passing under the railway bridge on Oakley Road shall not be altered without the consent in writing of the Dublin Wicklow and Wexford Railway Company under their common seal.

10. Notwithstanding anything in this Act contained if by reason of the construction of the widening of Oakley Road by this Act authorised the railway of the Dublin Wicklow and Wexford Railway Company (in this section called "the Wicklow Company") or the bridge carrying the same over the said road or the abutments piers or foundations thereof or the drains works or other the property of the Wicklow Company shall be or become injured or damaged such injury or damage shall forthwith be made good by the Commissioners on receiving notice from the Wicklow Company's engineer at their own expense or in the event of their failing to do so then the Wicklow Company may make good the same and recover the reasonable expense thereof with full costs of suit against the Commissioners in any court of competent jurisdiction.

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Provision in case of injury to Dublin Wicklow and Wexford Railway Company.

11. If the works by this part of this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Time for completion of works.

12. So much of the sites of the houses and lands which may be purchased by the Commissioners as shall be appropriated for the street widenings authorised by this Act shall when and so soon as the same shall be so appropriated and for ever thereafter form part of the public highways and shall be repaired and maintained and kept in order in such and the same way and manner as the highways in the township shall for the time being be by law repaired maintained and kept in order.

Ground appropriated for widened streets to be public highways.

13. The Commissioners may in connexion with the formation of the street widenings and as part of the works which the Commissioners are by this part of this Act authorised to carry out remove alter divert stop up or use all or any part of any sewer drain pipes tubes wires apparatus or other things as may be necessary for such purposes the Commissioners providing a proper temporary substitute before interrupting the flow of water gas sewage or electricity in any such sewer drain pipe tube wire or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General.

Power to Commissioners to do subsidiary works.

14. Subject to the provisions of this Act the Commissioners may enter upon take and use for the purpose of erecting and maintaining improved dwellings for the accommodation of the labouring

Power to erect labouring class dwellings.

A.D. 1897. — class as defined in the section of this Act whereof the marginal note is "Provisions respecting houses of labouring class" all or any of the lands herein described and delineated on the deposited plans and described in the deposited books of reference relating thereto and may repair alter or enlarge or pull down any houses buildings or erections now standing or being thereon and may with the consent of the Local Government Board erect and maintain such improved dwellings as aforesaid with all necessary works and conveniences on such lands and they may let such dwellings on such terms as they think fit or they may after acquiring such lands lease the same or any part thereof to any company or person willing to erect and maintain thereon such dwellings The said lands are as follows (that is to say):—

(1.) Certain lands and buildings thereon known as Hollyfields containing one acre and twenty-three perches statute measure or thereabouts situated in the parish of St. Peter in the township townland of Rathmines West and barony of Upper Cross and county of Dublin bounded on the north by a laneway bordering on the houses and premises known as No. 99 Upper Rathmines Road also by the rear of certain premises known as Nos. 6 7 and 8 Maxwell Road on the east by Upper Rathmines Road on the south by houses and premises known as Nos. 90 and 91 Upper Rathmines Road and on the west by a wall at rear of houses and premises known as Nos. 93 to 98 Upper Rathmines Road :

(2.) All that piece of ground and buildings thereon containing two acres one rood twenty-eight perches statute measure or thereabouts situated in the township parish of St. Peter townland of Ranelagh South barony of Upper Cross and county of Dublin bounded on the north by Mount Pleasant Avenue on the east by Oxford Road on the south by a house and premises known as No. 9 Oxford Road and the wall at the rear of premises known as Nos. 1 and 2 Rugby Villas and by a piece of ground lying at the rear of the laneway which runs at the rear of houses and premises known as Nos. 24 to 39 inclusive in Rugby Road and on the west by a laneway at the rear of certain houses and premises known as Nos. 7A to 22 inclusive in Mount Pleasant Avenue Upper.

PART IV.—LANDS.

Period for
compulsory
purchase of
lands.

15. The powers of the Commissioners for the compulsory purchase of lands under this Act shall cease after the expiration of five years from the passing of this Act.

16. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or books of reference relating to any of the purposes of this Act it shall be lawful for the Commissioners after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to a justice for the correction thereof and if it shall appear to such justice that such omission mis-statement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Dublin and such certificate shall be kept by [such clerk of the peace along with the other documents to which it relates and thereupon such plans or books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands in accordance with such certificate A copy or extract from such certificate purporting to be under the hand of the clerk of the peace for the county of Dublin shall be sufficient evidence of such correction.

A.D. 1897.

Errors and omissions in plans &c. may be corrected by a justice.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this part of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to take easements &c. by agreement.

18. The Commissioners may by agreement purchase and hold for the purposes of this Act which they are empowered to carry into effect in addition to the lands delineated on the deposited plans and referred to in the deposited books of reference any quantity of land not exceeding in the whole five acres Provided always that nothing in this Act contained shall exempt the Commissioners from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired under the powers of this section.

Additional land by agreement.

19. And whereas in constructing the street widenings hereby authorised to be carried out by the Commissioners or otherwise in

Owners may be required to

A.D. 1897.

sell parts
only of
certain
land and
premises.

exercise of the powers of this Act it may happen that portion only of the buildings or other premises shown on the deposited plans and therein numbered 51. in the parish of St. Peter and described in the deposited books of reference as "house and garden" may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said property without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owner of and other persons interested in the said premises and whereof part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Commissioners the portion only of the said premises so required without the Commissioners being obliged or compellable to purchase the whole or any greater portion thereof the Commissioners paying for the portion required by them and making compensation for any damage sustained by the owner thereof and other parties interested therein by severance or otherwise.

Provisions
respecting
houses of
labouring
class.

20.—(1.) The Commissioners shall not under the powers by this Act granted purchase or acquire in any urban sanitary district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any

such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme. A.D. 1897.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Commissioners acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Commissioners may appropriate any lands for the time being belonging to them or which they have power to acquire.

(7.) Subject to the provisions of this section the Commissioners and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health (Ireland) Act 1878 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Commissioners in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings

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A.D. 1897. and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) The Commissioners shall pay to the Local Government Board a sum to be fixed by that Board in respect of any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9.) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART V.—FINANCE.

Power to
borrow.

21. In addition to the sums of money authorised to be borrowed by the Commissioners before the passing of this Act they may from time to time borrow at interest any further sum or sums by the creation and issue of township stock in manner herein-after prescribed not exceeding in amount the following (that is to say):—

- (a.) For the purposes by this Act authorised relating to the street widenings and the making of footpaths including the purchase of lands any sum not exceeding the sum of twenty thousand pounds;
- (b.) For the purposes by this Act authorised relating to the housing of the labouring class including the purchase of lands any sum not exceeding the sum of forty thousand pounds;
- (c.) For the purpose of completing the erection of a town hall public offices and public library and otherwise as provided by section 37 of the Rathmines and Rathgar Township Act 1893 any sum not exceeding the sum of five thousand pounds;

(d.) To pay the taxed costs of this Act the sum necessary for that purpose : A.D. 1897.

And the following provisions shall apply to such sums :—

- (1.) Moneys borrowed under sub-sections (a) and (b) of this section shall be repaid within such period not exceeding sixty years from the respective dates when the moneys are borrowed as shall be fixed by the Local Government Board ;
- (2.) Money borrowed under sub-section (c) of this section shall be repaid within sixty years from the respective dates when the moneys are borrowed ;
- (3.) Money borrowed under sub-section (d) of this section shall be repaid within ten years from the date of borrowing the same ;
- (4.) Moneys borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise ;
- (5.) If after having paid off any of the moneys they are by this Act authorised to borrow (unless the same shall have been extinguished by the operation of the Loans Fund under Part VII. (Township Stock) of the Rathmines and Rathgar Improvement Act 1885) the Commissioners find it necessary or expedient to do so they may in like manner re-borrow the amount so paid off or part thereof at the same or any other rate of interest and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing ;
- (6.) In calculating the sum which the Commissioners shall be at liberty to borrow under the provisions of the Public Health (Ireland) Act 1878 the sums borrowed or authorised to be borrowed under this Act for the purposes relating to the housing of the labouring class mentioned in sub-section (b) of this section shall not be reckoned.

22. All moneys borrowed by the Commissioners under the authority of this Act shall be borrowed by the creation and issue of Moneys
how to be
borrowed.

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A D. 1897. township stock in accordance with the provisions in all respects of Part VII. (Township Stock) of the Rathmines and Rathgar Improvement Act 1885 and such part of the said Act is hereby incorporated and made applicable to all such moneys and all such moneys so borrowed shall be charged on the whole rates revenues and funds of the Commissioners in the manner therein provided as regards township stock and any such power of borrowing as aforesaid shall be and be deemed "a statutory borrowing power" within the meaning of section 40 of the said Act.

PART VI.—MISCELLANEOUS.

Fencing
vacant lands.

23. Where any vacant or unfenced lands in the township are in a state liable to cause a nuisance or are dangerous to the public the Commissioners may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Commissioners may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses incurred thereby summarily or by action in any court of competent jurisdiction or the Commissioners may if they think fit enter into an agreement with such owner or occupier for fencing the same and maintaining the fence in consideration of a gross sum or a yearly sum to be paid to the Commissioners or otherwise as may be agreed. Provided that this section shall not be construed to compel the Grand Canal Company or the Dublin Wicklow and Wexford Railway Company to fence any of their lands adjoining or held in connexion with any canal dock railway or work belonging to them respectively.

Repeal of
certain sections
of former Acts
relating to the
township.

24. Section 11 of the Rathmines Improvement Act 1847 and section 22 of the Rathmines and Rathgar Improvement Act 1862 and section 45 of the Rathmines and Rathgar Township Act 1893 shall be and the same are hereby repealed.

Prosecution
of offences.

25. All offences penalties costs and expenses under this Act the prosecution and recovery of which are not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Commissioners under this Act shall (where not otherwise directed) be paid over to their secretary and be carried to the credit of such of the township funds as the Commissioners may determine.

Expenses of
execution of
Act.

26. All expenses for the execution of this Act by the Commissioners which are not otherwise provided for may be defrayed out

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Tramways and Improvement Act, 1897.

of such of the township funds or rates as the Commissioners having regard to the objects of the expenditure may deem to be just and proper. A.D. 1897.
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27. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall (unless paid out of borrowed moneys) be paid by the Commissioners out of their rates or funds in such proportions as they shall determine as regards their several funds and such costs charges and expenses shall include the costs incurred by the Commissioners in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act and all such costs charges and expenses shall be paid as taxed and ascertained by the taxing officer of the House of Lords or House of Commons. Costs of Act.

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