



## CHAPTER xi.

An Act to authorise the improvement of the area A.D. 1899.  
bounded by Patrick Street Bride's Alley Bride Street  
and Bull Alley in the City of Dublin and the erection  
thereon of Workmen's Dwellings and other buildings  
to vest the same and the control thereof in a body  
of Trustees to empower the Corporation of Dublin  
to carry out certain Street Widenings and for other  
purposes. [6th June 1899.]

**W**HEREAS the improvement of the insanitary area bounded by  
Patrick Street Bride's Alley Bride Street and Bull Alley in  
the City of Dublin by the demolition of the buildings at present  
standing thereon and the erection of lodging and dwelling houses  
for workmen and other dwelling-houses and shops concert or other  
halls reading rooms gymnasia lecture halls library swimming and  
other baths and other buildings would be of advantage to large  
numbers of the labouring classes and generally to the citizens of  
the said city :

And whereas the Right Honourable Edward Cecil Baron Iveagh  
(herein-after in this Act called "Baron Iveagh") is willing to  
provide the funds to execute such scheme of improvement without  
receiving any personal pecuniary profit or emolument therefrom  
upon being authorised to purchase the lands buildings and property  
(including the disused church and churchyard of St. Bridget's)  
necessary to enable the said improvement to be carried out and  
upon having the other powers in this Act mentioned conferred  
on him :

And whereas it is expedient that so soon as such scheme of  
improvement is carried out to the satisfaction of Baron Iveagh  
the said property and the control and management thereof should

1899, be vested in a body of Trustees incorporated by this Act for that purpose and with such other powers as herein-after mentioned :

And whereas it is the wish and intention of Baron Iveagh that such scheme of improvement shall be administered so that the income derived therefrom shall be applicable as provided by this Act and shall accordingly be available in part as an endowment fund to enable the said Trustees to permit the concert hall and other buildings for recreative purposes to be used at times for the benefit of the poorer inhabitants of Dublin at prices within their means or wholly or in part gratuitously but not to the exclusion of other classes from the use of such buildings for recreative purposes at reasonable and ordinary scales of payment and that such buildings may also be used for any other purposes except as by this Act provided :

And whereas it is expedient to authorise the Corporation of the city of Dublin to carry out in connexion with such scheme of improvement certain widenings and straightenings of the streets bounding the said area and to use for that purpose such parts of the said lands as may be conveyed to and vested in them under this Act and also certain lands now belonging or reputed to belong to them and to raise moneys and apply their funds for such purposes and to confer on them such other powers as by this Act provided :

And whereas it is expedient to authorise the application of certain lands now belonging or reputed to belong to the Trustees of Saint Patrick's Park to such widenings and straightenings and to empower them in lieu thereof to throw into Saint Patrick's Park certain other lands belonging or reputed to belong to them for street widenings :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans describing the situation of the intended scheme of improvement and the line and situation of the street widenings and straightenings and of the lands houses and property authorised to be taken compulsorily under this Act and sections showing the levels of the street widenings and straightenings and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of the city of Dublin and with the clerk of the peace of the county of Dublin and are herein-after respectively referred to as the deposited plans sections and book of reference :

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And whereas the purposes of this Act cannot be effected without the authority of Parliament : A.D. 1899.

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 :—

PART I.—PRELIMINARY.

1. This Act may be cited as the Dublin Improvement (Bull Alley Area) Act 1899. Short title.

2. This Act is divided into parts as follows (that is to say):— Act divided into parts.  
Part I.—Preliminary.  
Part II.—Powers to the Undertaker.  
Part III.—Incorporation of and powers to the Trustees.  
Part IV.—Powers to the Corporation.  
Part V.—Miscellaneous.

3. The Lands Clauses Acts (so far as they are not varied by or inconsistent with the provisions of this Act) are incorporated with and form part of this Act and in construing for the purposes of this Act the said Acts the following words and expressions have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) The expressions “the promoters” “the promoters of the undertaking” or “the company” shall mean the Undertaker Any enactment in the Acts incorporated herewith referring to a writing under the common seal of the company shall be read and have effect as if referring to a writing under the hand and seal of the Undertaker or some person to be appointed by him in manner provided by section 12 of this Act Any enactment in the Acts herewith incorporated referring to the secretary principal or other officer of the Company shall be deemed to apply to the Undertaker or some person to be appointed by him in manner provided by section 12 of this Act. Incorporation of Acts.

4. In this Act unless there be something in the subject or context repugnant to such construction or unless it is otherwise explained the several words and expressions to which meanings are assigned by the incorporated Acts have the same respective meanings And in this Act unless there be something in the subject Interpretation.

A.D. 1899. or context repugnant to such construction or unless it is otherwise explained—

The expression "the Undertaker" means Baron Iveagh his heirs executors and administrators or any of them as the case may be or require ;

The expression "the Trustees" means the Trustees of the Dublin Improvement (Bull Alley Area) Scheme by this Act incorporated ;

The expression "the Corporation" means the Right Honourable the Lord Mayor aldermen and burgesses of Dublin acting by the council ;

The expression "the undertaking" means the whole of the works and undertaking by this Act authorised on the lands shown on the deposited plans within the dotted lines showing the outer limits of deviation ;

The expression "the improvement area" means so much of the lands shown on the deposited plans and described in the book of reference as lie within the area enclosed by the dotted line showing the inner limits of deviation on the said plans and also such other lands as may under the provisions of this Act become part of the improvement area ;

The expression "the improvement scheme" means the scheme by this Act authorised for the making and maintaining of which powers are by this Act conferred on the Undertaker and the Trustees respectively ;

The expression "the street widenings and straightenings" means the street widenings and straightenings authorised by this Act to be made and maintained by the Corporation ;

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

Provision as to devolution of powers and duties under this Act.

5. If Baron Iveagh shall die or become incapable of acting before having completed the improvement scheme and transferred the improvement area to the Trustees and before he shall have transferred to the Corporation for the street widenings and straightenings the lands which he is by this Act authorised to transfer to the Corporation for that purpose or so much thereof as may be necessary for such purpose then the personal representative or representatives for the time being of Baron Iveagh shall carry out execute and complete at the cost of the estate of Baron Iveagh the improvement scheme and the acquisition and clearance of the lands coloured blue on the deposited plans and shall carry out the same in accordance with the desires and intentions of Baron Iveagh

so far as the same may have been communicated or made known to them or to the Trustees by him either in his lifetime by any writing under his hand or by his will or any codicil thereto and accordingly they may and shall apply the said estate or so much thereof as may be necessary for such purposes and the powers authorities rights and duties by this Act conferred or imposed on Baron Iveagh as the Undertaker shall pass and belong to and be exercised and performed by his personal representative or representatives for the time being in the same manner and to the like extent as the same could have been exercised and performed by Baron Iveagh if he were alive or were not under any incapacity and all expenses incurred by the said personal representative or representatives under this section shall constitute debts payable out of the estate of Baron Iveagh. A.D. 1899

## PART II.—POWERS TO THE UNDERTAKER.

6. Subject to the provisions of this Act the Undertaker may for the purpose of carrying out the undertaking purchase acquire and take compulsorily or by agreement the lands houses buildings and property or any part thereof situated in the parishes of St. Bridget's St. Nicholas Without and Saint Patrick's (liberties of) in the city and county of the city of Dublin shown on the deposited plans within the area edged round with a red line and also the lands shown on the deposited plans and coloured pink thereon and the lands coloured green thereon and also the lands which are not coloured on the deposited plans but which are shown as lying outside the area edged round with a red line and between it and the dotted line showing the outer limits of deviation all of which lands buildings and properties are described in the deposited book of reference and may hold or otherwise deal with the same in the manner and for the purposes provided by this Act The said lands houses buildings and properties so far as the same are comprised within the area edged round with a red line on the deposited plans are as follows :— Power to take lands.

Certain lands houses buildings disused church and other properties situate lying or being within the area bounded by a line commencing at a point in the kerb of the footpath on the east side of Patrick Street immediately opposite to the south corner of Hanover Lane and Patrick Street and continued in a northerly direction along the kerb of the said footpath on the east side of Patrick Street to the south corner of the footpath of Patrick Street adjoining Bull Alley then crossing Bull Alley in a northerly direction to the north corner

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of Patrick Street adjoining Bull Alley then continued in a northerly direction along the kerb of the said footpath on the east side of Patrick Street to the south corner of the footpath of Patrick Street adjoining Bride's Alley then crossing Bride's Alley in a northerly direction to the north corner of the footpath of Patrick Street adjoining Bride's Alley then continued in a northerly direction along the kerb of the said footpath on the east side of Patrick Street to the south corner of the footpath of Patrick Street adjoining Draper's Court then continued in an easterly direction in a straight line to a point in the kerb of the footpath on the west side of Bride Street which point is opposite the south corner of Chancery Lane then continued in a southerly direction along the kerb of the footpath on the west side of Bride Street to the north corner of the footpath of Bride Street adjoining Bride's Alley then crossing Bride's Alley in a southerly direction to the south corner of the footpath of Bride Street adjoining Bride's Alley then continued in a southerly direction along the kerb of the said footpath of Bride Street to the north corner of the footpath of Bride Street adjoining Bull Alley then crossing Bull Alley in a southerly direction to the south corner of the footpath of Bride Street adjoining Bull Alley then continued to a point eight feet or thereabouts measured in a southerly direction from the south corner of the footpath of Bride Street adjoining Bull Alley then continued in a straight line in a westerly direction partly through lands vested in the trustees of Saint Patrick's Park and terminating at the point of commencement aforesaid.

Provisions as  
to St.  
Bridget's  
Church and  
churchyard.

7. The following provisions shall apply to the now disused church and churchyard of St. Bridget's situate in the parish of St. Bridget's:—

- (A) The representative body of the Church of Ireland (herein called "the representative body") shall on being required by the Undertaker sell to the Undertaker freed and discharged from all ecclesiastical uses trusts purposes obligations and rights affecting the same and the Undertaker may purchase the said church and churchyard and the representative body shall execute and do all such assurances acts and things as may be necessary for the purposes of this section :
- (B) The purchase money for the said church and churchyard shall be paid to the representative body or as they may direct and upon the payment thereof and the execution of the conveyance of the church and churchyard by the representative

body the said church and churchyard shall vest in the Undertaker freed and discharged as aforesaid without the concurrence of any other person and the Undertaker may take possession accordingly and the receipt in writing of the representative body shall be a sufficient discharge for any money therein stated to have been received and the Undertaker shall not be bound to see to the application or be accountable for the non-application thereof or any part thereof:

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- (c) The Undertaker shall after he takes possession of the said church and churchyard and if and so far as required by the Chief Secretary for Ireland cause the remains of any person interred or deposited in vaults in or under the said church or in the said churchyard to be removed under the superintendence of the medical officer of health for the time being of the city of Dublin and re-interred in any consecrated burial ground wherein burials may legally take place and shall cause any monuments tablets and tombstones in the said church or churchyard to be removed to and fixed and re-erected either in some other church or in such burial ground.

8. 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 Undertaker 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 Act in over or affecting any such lands and the provisions of the said Acts with respect to lands so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

9. If any omission misstatement 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 book of reference it shall be lawful for the Undertaker after giving ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace of the county of the city of Dublin and with the clerk of the peace

Correction of errors &c. in deposited plans and book of reference.

A.D. 1899. — of the county of Dublin and shall also be deposited with the clerk of the South Dublin Poor Law Union and such certificate shall be kept by such clerks of the peace and clerk of the union respectively along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Undertaker to take the lands in accordance with such certificate.

Period for compulsory purchase of lands.

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

Restrictions on displacing persons of labouring class.

11.—(1) The Undertaker shall not under the powers by this Act granted purchase or acquire 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) He 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 and after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in dwelling-houses lodging-houses or otherwise 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) He 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.

(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. A.D. 1899.

(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 Undertaker acquires or appropriates any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displaces or causes to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme he 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 Undertaker may use and apply any lands to be acquired by him under this Act and situate within the improvement area and may purchase such further lands outside the improvement area as he may require and for the purpose of the purchase of such further lands sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of such further lands by the Undertaker for the purposes of any scheme under this section in the same manner in all respects as if the Undertaker were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act except that the proceeds of sale of any further lands so acquired and not being required for such scheme shall be applicable in such manner as the Undertaker deems expedient.

(7) The Undertaker may on the said further lands outside the improvement area purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any of such further lands purchased or acquired as aforesaid and may apply the proceeds in such manner as the Undertaker deems expedient ;

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

Provided further that any scheme under this section shall not (except as to lands within the improvement area) be deemed part of the improvement scheme but shall be subject to the special provisions in this section contained with reference to the same unless the Undertaker shall by writing under his hand and seal declare that any further lands outside the improvement area acquired under the provisions of this section and any dwellings erected thereon shall be deemed to be included in the improvement scheme and the scheme made under the provisions of this section shall thereupon become part of and be subject to all the provisions applicable to the improvement scheme.

(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health (Ireland) Act 1878.

(9) The Undertaker shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) For the purposes of this section the expression "labouring class" means 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.

12. Any instruments (including a notice order declaration requisition consent approval disapproval demand or other document) made given delivered or served under this Act by the Undertaker shall be in writing and shall be sufficiently authenticated by the name of the Undertaker being affixed thereto in writing by himself or his duly authorised agent (the name of such agent from time to time having first been published in the Dublin Gazette) and it shall be sufficient in all cases where any such instrument is required to be given or delivered to or served on the owner lessee or occupier of any property to address it to such owner lessee or occupier by his description as owner lessee or occupier (as the case may be) of the premises (the same being described) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners lessees or occupiers of any number of adjoining or neighbouring houses or buildings collectively and when so addressed may be served on more owners lessees or occupiers than one (so that separate copies be served on the respective owners lessees or occupiers of the several houses or buildings concerned) and any such instrument may be served on any owner lessee occupier or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last-known place of abode or business or to his agent or by delivering the same to some inmate at his last-known or usual place of abode or business or in case of any occupier to an inmate of the building in respect of which it is given or served or if the building is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof to some conspicuous part of such building.

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Form and  
service &c. of  
notices.

13. The Undertaker after he has acquired compulsorily or otherwise the improvement area or any part thereof may pull down alter or improve any buildings on such area or part thereof and may lay out the improvement area or such part thereof as he shall for the time being have acquired for building and other purposes with all necessary roads approaches and other conveniences and may in his absolute discretion erect and maintain such buildings thereon including lodging and dwelling houses for workmen and other dwelling-houses and shops and concert or other halls reading rooms gymnasia lecture halls library swimming and other baths and other buildings as he may think fit and may in respect to such of the said buildings as he may think fit provide and maintain such furniture conveniences books newspapers pictures apparatus appliances and other equipment for the same as he deems expedient and may alter pull down and re-erect any of such buildings and the Undertaker

Power to the  
Undertaker  
to carry  
out the  
improvement  
scheme.

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A.D. 1899.      shall for the purposes of effectuating and carrying into effect the improvement scheme have power to do all or any lawful acts and things which he shall deem conducive to that end including power until the improvement area is vested in the Trustees as provided by this Act—

- (A) To manage control and regulate the buildings and premises within the improvement area and the use thereof ;
- (B) To borrow money on any terms as to repayment and as to interest thereon and with or without mortgage or charge of any of the said lands buildings and premises ;
- (C) To demise or let or otherwise dispose of at such rents for such terms and with and subject to such covenants and conditions and generally in such manner as he thinks fit any of the said lands buildings and premises ;
- (D) To employ appoint and remove such secretary or secretaries clerks officers servants and other persons as he may deem expedient at such salaries and remuneration and on such terms as he may think fit and to hire or otherwise acquire offices for the purposes of the improvement scheme and the carrying out of the powers by this Act conferred on him ;
- (E) Subject to the approval of the Local Government Board to make byelaws rules and regulations for the government and administration of the improvement scheme and for providing for the use of the buildings and premises or any of them in the improvement area and fixing the charges or payments to be made for the use of the buildings conveniences and appliances aforesaid and for the purpose of regulating the conduct of persons using any such lands buildings conveniences appliances and things aforesaid and of excluding and removing from such lands buildings and premises any persons not complying with the byelaws rules and regulations and for regulating the conduct of officers and servants employed in the carrying on of the improvement scheme and imposing penalties not exceeding five pounds for any one offence for the breach of any of such byelaws rules and regulations and such byelaws rules and regulations when approved by the Local Government Board shall be published in the Dublin Gazette and the production of a written or printed copy of the byelaws rules and regulations under the hand and seal of the Undertaker shall be sufficient evidence of the due making of such byelaws rules and regulations in all cases Provided that such byelaws rules and regulations shall be so framed as to allow of the justice before whom any penalty imposed thereby may be sought to be

recovered to order a part only of such penalty to be paid if such justice shall think fit; A.D. 1899.

(F) Subject to the provisions of this Act to do all such acts matters and things as are incidental or conducive to the proper carrying out of the improvement scheme and the purposes of this Act Provided that the Undertaker or the Trustees (as the case may be) shall not allow the buildings to be used for political purposes of a party character or for sectarian meetings but may in their discretion allow the use of the recreative buildings for bazaars entertainments or exhibitions which are solely in aid of charitable objects although the charity to be benefited thereby may be of a sectarian character.

14. The income (if any) for the time being which may be received by the Undertaker from the improvement scheme before the vesting of the improvement scheme in the Trustees shall be applied by him for the purpose of carrying out and completing the improvement scheme and of paying the expenses rates taxes and other outgoings in connexion therewith and subject to such payments shall be paid by the Undertaker to the Trustees to be used and dealt with by them in the same manner and for the same purposes as they are by this Act authorised to apply the income arising from the improvement scheme when vested in them in pursuance of the powers of this Act. Provisions as to income arising from scheme.

15. Subject to the provisions of this Act the Undertaker for the purpose of carrying out the improvement scheme may remove alter divert or stop up all or any part of any sewer drain pipes tubes wires posts or other works or things in upon over or under the improvement area or the lands which by this Act he is authorised to acquire 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 and as part of the works which the Undertaker is by this Act authorised to carry out may make junctions with any existing or new or improved or widened or straightened streets and footpaths for the purpose of connecting the same with any of the new or altered streets and footpaths in the improvement area Provided always that if the Undertaker for the purposes aforesaid deems it necessary and proper to remove alter divert or stop up any sewer drain pipes tubes wires posts or other works or things belonging to the Corporation in upon or over the said lands the same shall at the expense of the Undertaker be removed altered diverted or stopped up under the supervision and Power to Undertaker to do subsidiary works.

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A.D. 1899. to the reasonable approval and satisfaction of the engineer of the Corporation Provided also that the Undertaker shall not remove alter or in any way interfere with any pipes tubes wires or other property belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Undertaker  
may stop up  
roads and  
extinguish  
rights of  
way.

16. Subject to the provisions of this Act the Undertaker may stop up and discontinue for public traffic so much of Bull Alley and Bride's Alley as lies within the improvement area and any other streets roads lanes courts and approaches comprised within the improvement area and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be and become by this Act vested in the Undertaker free from all public and other rights of way or passage or other rights in over under or through the same and such sites and the soil thereof shall and may be appropriated for the purposes and in the manner provided by this Act.

Vesting and  
application  
of lands  
coloured  
green and  
pink on  
deposited  
plans.

17. On the passing of this Act and notwithstanding anything in the Saint Patrick's Park (Dublin) Act 1897 all the estate and interest of the Trustees of Saint Patrick's Park under the said Saint Patrick's Park (Dublin) Act 1897 in the land coloured green on the deposited plans shall be and the same are hereby transferred to and vested in the Undertaker for the purpose of being conveyed by him to and vested in the Corporation for the purposes of the street widenings and straightenings and shall accordingly be applied by the Corporation when so conveyed to and vested in them for those purposes under the powers in this Act contained and in exchange therefor all the estate and interest of the said Trustees in the lands coloured pink on the deposited plans so far as such lands belong to or are now vested in the Trustees of Saint Patrick's Park under the said Act for widening Bull Alley shall notwithstanding anything contained in the said Saint Patrick's Park (Dublin) Act 1897 be retained by the Trustees of Saint Patrick's Park and be used and applied by them as a part of the park authorised by the said Act and may be enclosed and dealt with by them as part of the said park accordingly.

Vesting of  
lands in  
Corporation

18. The Undertaker from time to time after he has acquired under the powers of this Act the lands or any part thereof coloured

blue and green on the deposited plans the land numbered 60 thereon and so much of the land numbered 69 thereon as is not coloured pink the land numbered 71 thereon and so much of the land numbered 135 thereon as is not coloured pink (and as regards the land coloured blue after he has pulled down and removed the buildings and erections thereon) may convey such lands or so much thereof as he shall for the time being have acquired and cleared as aforesaid to the Corporation for the purpose of the street widenings and straightenings and the same when so conveyed and vested in the Corporation shall be applied by them accordingly and for no other purpose. Provided that any part of the said lands shown on the deposited plans within the area edged round with a red line as applicable for the street widenings and straightenings and which shall not have been so conveyed to and vested in the Corporation for such purposes may be held by the Undertaker and applied by him for the purposes of the improvement scheme and as part of the improvement area and shall be deemed to be within the meaning of the expression the improvement area except so much of the lands numbered 64 and 66 on the deposited plans as may be situate on the north side of Bride's Alley when widened and straightened. Provided that the Undertaker may make such streets roads footpaths gates and entrances from the improvement area into and from the existing streets and the streets when widened and straightened and the lands so to be conveyed to and vested in the Corporation for the street widenings and straightenings and either before or after such conveyance and vesting as he deems proper or into the streets and lands for that purpose shown on the deposited plans as abutting on the improvement area. Provided also that after the conveyance and vesting in the Corporation of the said lands for street widenings and straightenings the Undertaker shall cease to act in respect thereof and shall be released and discharged from all claims demands liabilities and obligations in respect of the said lands for street widenings and straightenings so conveyed and vested.

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for street  
widenings.

19. Whereas the sum of fifty thousand pounds has previous to the passing of this Act been transferred by Baron Iveagh into the names of the Right Honourable Montagu William Baron Rowton Baron Iveagh the Right Honourable David Robert Baron Rathmore the Right Honourable Charles Thomson Ritchie and Jacob Luard Pattisson who and the survivors or survivor of whom or the personal representatives of the survivor (as the case may be) are in this section referred to as "the transferees" for the purposes in this section mentioned which sum together with any accumulations

Provisions  
as to deposit  
fund.

A.D. 1899. — thereof is herein referred to as “the deposit fund” Be it enacted that the following provisions shall apply to the deposit fund :—

- (A) The transferees may pending the application of the deposit fund to the purposes herein mentioned invest the deposit fund in any securities authorised by law from time to time for the investment of trust funds and may vary the same at discretion and accumulate and invest the income thereof in like securities :
- (B) The Undertaker may from time to time whenever he deems proper call upon the transferees to transfer or pay to the Undertaker such portion of the deposit fund or the income or the accumulations thereof as may be necessary for defraying the expenses of the compulsory purchase of lands by the Undertaker under the powers of this Act and the transferees shall thereupon transfer or pay to the Undertaker a sufficient portion of the deposit fund accordingly to be applied by him as aforesaid :
- (c) When and so soon as the improvement scheme shall have been completed and the improvement area vested in the Trustees in manner provided by this Act the deposit fund or so much thereof as shall not have been previously realised and applied as aforesaid shall upon the request in writing of the Undertaker be repaid or retransferred to the Undertaker accordingly for his own use absolutely and as part of his personal estate.

Transfer of  
improvement  
area to  
Trustees.

**20.** When and so soon as the Undertaker is satisfied that the improvement scheme (whether the street widenings and straightenings to be made by the Corporation have been carried out or not) has been completed in accordance with this Act and he has published in the Dublin Gazette a notice of such completion then the improvement area and all messuages buildings and erections thereon and furniture fittings and other effects connected therewith vested in the Undertaker shall forthwith vest in the Trustees and thereupon the same and all the estate and interest therein of the Undertaker shall be and the same is hereby transferred to and vested in the Trustees for the purposes and upon the trusts and subject to the powers and provisions in this Act declared and the Trustees shall accept and thenceforth hold the same accordingly Provided always that until such vesting in the Trustees the Trustees shall not have any right of interference with or control over the Undertaker or the improvement scheme and improvement

area and he may carry out and complete or deal with the same A.D. 1899.  
respectively as he shall (subject to the provisions of this Act) —  
deem fit.

21. From and after the transfer to and vesting in the Trustees of the improvement area the Undertaker as such shall (subject to the provisions of this Act) cease to act in respect thereof and of the improvement scheme and shall be released and discharged from all claims demands liabilities and obligations thereafter arising in respect thereof and the Trustees shall have power to manage carry on and perform the improvement scheme in manner provided by this Act Provided that nothing herein shall prevent the Undertaker from exercising the power in this Act conferred on him of nominating any other person or persons as a trustee or trustees as provided by this Act.

Undertaker to cease to act as to improvement area after transfer to Trustees.

### PART III.—INCORPORATION OF AND POWERS TO THE TRUSTEES.

22. The Right Honourable Montagu William Baron Rowton the Right Honourable Edward Cecil Baron Iveagh the Right Honourable David Robert Baron Rathmore the Right Honourable Charles Thomson Ritchie Jacob Luard Pattisson and the Honourable Rupert Edward Cecil Lee Guinness and the survivors and survivor of them and such other person or persons as may from time to time be appointed Trustees as herein-after provided shall be and are hereby incorporated as Trustees for the purposes of this Act by the name of "The Trustees of the Dublin Improvement (Bull Alley Area) Scheme" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property.

Incorporation of a body of Trustees.

23. And whereas the persons named in the section of this Act whereof the marginal note is "Incorporation of a body of Trustees" are the present trustees of "the Guinness Trust for the amelioration of the condition of the poor labouring classes of Dublin" created by an indenture dated the second day of April eighteen hundred and ninety and made between Baron Iveagh (then Sir Edward Cecil Guinness Baronet) of the one part and the said Baron Rowton the Right Honourable Charles Thomson Ritchie and Baron Rathmore (then the Right Honourable David Robert Plunket) of the other part And whereas it is the desire and intention of Baron Iveagh that as long as such last-mentioned trust is in existence the persons who are from time to time appointed as Trustees under this Act shall be the same persons as are for the

Provisoins as to Trustees.

A.D. 1899. time being trustees of the said Guinness Trust Be it enacted that in any appointment of new or additional Trustees under the following provisions of this Act regard shall be had to such intention and subject thereto the following provisions shall apply to the Trustees :—

- (1) Any Trustee may resign office by notice in writing to the other Trustees or to their secretary :
- (2) Any Trustee may be removed from office by the unanimous vote of the other Trustees and with the consent of Baron Iveagh if living but after his death so long as the number of Trustees does not exceed three no Trustee shall be removable under this clause except with the sanction of an order of the High Court in Ireland :
- (3) Bankruptcy insolvency or absence from the United Kingdom for a continuous period of twelve calendar months or absence from the meetings of the Trustees for more than two years or incapacity to act shall be sufficient to cause a vacancy when it is declared in the office of Trustee and a vacancy from such cause shall be deemed to have occurred when it is so declared by the other Trustees and not before :
- (4) Baron Iveagh during his life and after his death the Trustees may at any time appoint additional Trustees and if the number of Trustees shall at any time be reduced to less than three a new Trustee or new Trustees shall be appointed by him or them with all reasonable despatch so that the number may never be permanently less than three :
- (5) The Trustees may act in all things in relation to the improvement scheme and improvement area and exercise all or any of the powers and discretions by this Act or otherwise vested or reposed in them either by the joint concurrence of all of them or by resolution at a meeting of the Trustees duly convened :
- (6) Meetings of the Trustees may be held at any time without notice when all are present and may be convened by any one Trustee or by the secretary or by any other person authorised for that purpose by the Trustees and meetings so convened shall be held at the office (if any) of the Trustees unless the Trustees otherwise determine Notice of meetings may be given personally or sent by post to the usual or last known addresses of the Trustees and may be for the day following that on which the notice is given or posted or for any subsequent day No notice shall be required for regular meetings at fixed dates Default of receipt of notice by any Trustee

shall not invalidate a meeting and no notice shall be required to be given to any Trustee absent abroad : A.D. 1899.

- (7) At any meeting two shall be a quorum Each Trustee shall have one vote and all questions before a meeting shall be determined by a majority of votes :
- (8) Every resolution duly passed at a meeting of the Trustees as herein-before provided shall be entered in the minute book of such meeting and signed by the chairman of that or the following meeting and shall bind the whole of the Trustees :
- (9) No act of the Trustees shall be invalidated or be illegal by reason of any vacancy or deficiency in the number of the Trustees or by reason of any irregularity or omission in or about any appointment of a new Trustee or Trustees :
- (10) The Trustees shall in each year at their first meeting appoint one of their number to be chairman for that year The chairman for the year shall preside at all meetings at which he is present but in case he shall be absent from any meeting at the time appointed for holding the same the meeting shall appoint one of the Trustees then present to be and he shall be chairman of such meeting In case the chairman for the year shall during his term of office die resign or become incapable of acting then the Trustees shall appoint another chairman for the residue of such term At every meeting of the Trustees the chairman of the day shall in case of an equality of votes on a division have a second or casting vote :
- (11) The Trustees may from time to time appoint any person or persons whether Trustees or not as a committee or committees for the purposes of any of the powers by this Act granted to them and may delegate to any such committee or committees any of the said powers and may fix the quorum of any committee and prescribe the manner in which the business of a committee shall be conducted :
- (12) The Trustees shall after the transfer to and vesting in them of the improvement area make and publish an annual report for each year ending the thirty-first of December (or such other date as the Trustees may from time to time appoint) of their operations and administration of the improvement scheme during the year together with a balance-sheet and statement of accounts showing receipts and expenditure and assets and liabilities arranged under convenient heads which shall be duly audited by two auditors appointed from time to time by the Trustees and who shall hold office for one year and who shall

A.D. 1899.

be eligible for reappointment No Trustee or officer or servant of the Trustees shall be eligible to be appointed an auditor during his continuance in the said office or employment:

- (13) The Trustees and each of them shall be indemnified out of the moneys coming to their hands and other property vested in them by virtue of this Act for all payments made or liability incurred in respect of any acts done by them and for all losses costs and damages which they may incur in the execution of the powers granted to them.

Powers of  
the Trustees  
as to the  
improvement  
scheme.

**24.—**(1) The Trustees shall (after the transfer to and vesting in them of the improvement area) have all such powers as are conferred on the Undertaker by the section of this Act whereof the marginal note is "Power to the Undertaker to carry out the improvement scheme" as if such powers had been set forth in this section and made applicable to the Trustees Provided nevertheless that the enumeration of such powers therein shall not be deemed to exclude the exercise by the Trustees of the fullest and widest powers to do all or any lawful acts and things which in their discretion shall be conducive to effectuating and carrying into effect the objects of the improvement scheme and the purposes of this Act Provided also that the Trustees shall not during the life of Baron Iveagh except with his consent in writing rescind revoke amend or vary the byelaws rules and regulations made by him under the powers of this Act.

(2) Subject to the provisions herein-after contained as to the application of the revenue from the improvement scheme the Trustees may from time to time apply the moneys in their hands in providing constructing furnishing and fitting up lodging-houses and dwelling-houses for the working classes and other buildings for the same or similar purposes as those erected on the improvement area and for that purpose may by agreement purchase or take on lease any lands or buildings in the city of Dublin or the vicinity thereof and any lands or buildings so purchased or leased and any lodging-houses or other buildings erected thereon shall thereupon become and be subject to the trusts of this Act relating to the improvement area and the Trustees shall have the same powers rights duties and obligations in respect thereof as if the same formed part of the improvement area.

Application  
of revenue  
of improve-  
ment scheme.

**25.** The Trustees shall apply and dispose of all income arising from the improvement area and the said lands and premises and all other revenues which shall come to the hands of the Trustees under

the provisions of this Act (unless otherwise directed by this Act) as follows:— A.D. 1899.

First In payment of all rates taxes costs of insurance against fire or otherwise and administration expenses generally of the improvement scheme including the salaries or wages of any secretary or secretaries and other officers lecturers teachers librarian organist servants or others employed by them and in payment of interest on moneys borrowed or raised by the Trustees or the Undertaker under the powers of this Act;

Second In payment of the expenses of entertainments (so far as may be deemed expedient) and other outgoings and costs charges and expenses properly payable or incurred by the Trustees in the due execution of their trust and the provisions of this Act and not payable by any other person;

Third In providing a sinking fund for paying off and discharging the moneys so borrowed or raised as aforesaid;

Fourth In forming a contingency fund to meet any unforeseen accident or emergency in the administration of the improvement scheme and the purposes of this Act;

Fifth And the residue (if any) in the hands of the Trustees or under their control after the purposes aforesaid shall have been satisfied and fulfilled shall be retained by them to be used and applied at their discretion for the purposes of the improvement scheme and other the purposes mentioned in the section of this Act of which the marginal note is "Powers of the Trustees as to the improvement scheme":

And the Trustees may from time to time pending application to the objects and purposes aforesaid invest any moneys in their hands in or upon any stocks funds or securities for the time being authorised by law as investments for trust funds and may from time to time vary such investments into or for others of the same or a like nature.

#### PART IV.—POWERS TO THE CORPORATION.

26. The Corporation shall use and apply the lands coloured green and blue on the deposited plans the lands numbered 60 and 71 thereon and so much of the lands numbered 69 and 135 thereon as are not coloured pink (or so much thereof respectively as the Undertaker shall have conveyed to them for the time being) for the purpose of the street widenings and straightenings and in addition to the said lands conveyed to them as aforesaid shall use and apply for the same purposes all the other lands shown on the deposited plans as lying between the improvement area and the dotted line

Power to Corporation to use and apply lands for and to make street widenings and straightenings.

A.D. 1899. — showing the outer limits of deviation as aforesaid and not coloured on the deposited plans and subject to the provisions of this Act the Corporation shall within six months from the date of the said lands being conveyed to and vested in them make execute and complete and thenceforth maintain at their own costs and charges in the lines and subject to the provisions of this Act according to the levels shown on the deposited plans and sections the street widenings and straightenings herein-after mentioned together with all necessary footpaths works and conveniences connected therewith The street widenings and straightenings above referred to are as follows :—

- (A) The widening and improving of Patrick Street (Work No. 1) commencing at a point in the parish of St. Nicholas Without distant seven and a half yards or thereabouts measured in an easterly direction from the north corner of Hanover Lane and Patrick Street and terminating in the said parish at a point distant eighteen yards or thereabouts measured in a south-easterly direction from the south corner of Nicholas Place and Patrick Street :
- (B) The widening straightening and improving of Bride's Alley (Work No. 2) commencing at a point in the parish of St. Nicholas Without distant sixteen yards or thereabouts measured in a southerly direction from the south corner of Nicholas Place and Patrick Street and terminating at a point in the parish of St. Bridget's distant fourteen and a half yards or thereabouts measured in a southerly direction from the south corner of Chancery Lane and Bride Street :
- (C) The widening and improving of Bride Street (Work No. 3) commencing at a point in the parish of St. Bridget's distant sixteen yards or thereabouts measured in a south-westerly direction from the south corner of Chancery Lane and Bride Street and terminating at a point in the parish of St. Bridget's distant three and a half yards or thereabouts measured in a north-easterly direction from the north corner of Bull Alley and Bride Street :
- (D) The widening straightening and improving of Bull Alley (Work No. 4) commencing at a point in the parish of St. Bridget's distant two yards or thereabouts measured in a southerly direction from the north corner of Golden Lane and Bride Street and terminating at the north corner of Hanover Lane and Patrick Street in the parish of St. Nicholas Without.

Power to  
 Corporation

27. Subject to the provisions of this Act the Corporation in connexion with the street widenings and straightenings may make

and improve junctions with any existing streets and footpaths and may make alterations of the lines or levels of any existing streets or footpaths for the purpose of connecting the same with the widened streets and footpaths and may remove alter divert or stop up all or any part of any sewer drain pipes tubes wires posts apparatus or other things as may be necessary for such purposes the Corporation 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 without his consent.

A.D. 1899.  
 to do subsidiary works.

**28.** The lands and sites of houses which may under the provisions of this Act be vested in the Corporation for street widenings and straightenings shall when the same shall be so vested in them be appropriated therefor and for ever thereafter form part of the public highways and the widened and straightened streets shall be repaired and maintained kept in order cleansed and lighted in such and the same way and manner and at the expense of the same body or persons as the highways in the city of Dublin under the control of the Corporation shall for the time being be by law repaired maintained and kept in order cleansed and lighted.

Ground in widened streets to be public highway.

**29.** In constructing the street widenings and straightenings the Corporation 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 such extent as may be agreed on between the Corporation and the Undertaker.

Power to deviate.

**30.** The Corporation may with the sanction of the Local Government Board from time to time borrow for the purposes of the street widenings and straightenings the sum necessary for such purposes and may raise such sum by the creation and issue of Corporation stock or by mortgage of any rate leviable by them subject to provision being made for the repayment of any sums so borrowed within such periods not exceeding sixty years from the respective dates of borrowing the same as the Local Government Board may from time to time direct.

Power for Corporation to borrow for street widenings and straightenings.

**31.** All the expenses for the execution of the purposes of this Act so far as the same relate to the Corporation which are not otherwise provided for may be defrayed out of the borough fund

Expenses of execution of Act.

[Ch. xi.] *Dublin Improvement (Bull Alley Area)* [62 VICT.]  
*Act. 1899.*

A.D. 1899. — and borough rate or out of the improvement fund or rate as the Corporation having regard to the objects of the expenditure may deem to be just and proper.

PART V.—MISCELLANEOUS.

Prosecution  
of offences  
&c.

**32.** All offences penalties costs and expenses under this Act or under any byelaw rule or regulation made in pursuance of this Act the prosecution and recovery of which is not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Undertaker or the Trustees shall be carried to the credit of the improvement scheme and applied accordingly.

Undertaker  
and Trustees  
not to receive  
any personal  
profit.

**33.** The Undertaker shall not nor shall any Trustee under this Act be entitled to receive either directly or indirectly any personal pecuniary profit or emolument out of or in respect of the improvement scheme or anything done thereunder and the income of the improvement area or the property held by the Undertaker or the Trustees for the purposes of this Act shall subject to the provisions of this Act be applied and devoted solely towards the purposes by this Act authorised. Provided that nothing herein shall prevent the Undertaker or the Trustees from dealing with the property vested for the time being under this Act in him or them respectively so as to produce rent or other income and revenue as provided in this Act.

Control of  
Commis-  
sioners of  
Charitable  
Donations  
and Bequests  
for Ireland  
excluded.

**34.** Nothing in this or any other Act contained shall be construed or deemed to make the deposit fund or the improvement scheme or the improvement area or the Undertaker or the Trustees or any lands hereditaments or other property held by them respectively under and for the purposes of this Act subject to the control or direction of the Commissioners of Charitable Donations and Bequests for Ireland nor shall their sanction be necessary for any dealing with any such lands hereditaments or other property or otherwise in connexion therewith or the improvement scheme or improvement area.

Power to  
enter into  
agreements.

**35.** The Undertaker and the Trustees or the Undertaker or the Trustees on the one hand and the Corporation the representative body of the Church of Ireland the trustees of Saint Patrick's Park or any other person or persons on the other hand may enter into and carry into effect agreements contracts conveyances and other deeds for carrying out the objects and purposes of this Act.

**36.** Where in the judgment of the Trustees it is expedient for the Trustees to apply to Parliament for the repeal amendment or extension of this or any other Act for the time being relating to or affecting the Trustees or for any alteration or extension of their powers or in respect of any matter for furthering the objects purposes or administration of the improvement scheme the Trustees may pay the costs and expenses attending such application out of the funds for the time being in their hands for the improvement scheme as part of the outgoings thereof No such application as aforesaid shall be made except in pursuance of a resolution duly passed at a meeting of the Trustees specially called for the purpose of considering such resolution.

A.D. 1899.

Power to  
apply to  
Parliament.

**37.** Nothing contained in this Act shall authorise the Undertakers to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights  
of Crown.

**38.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Undertaker.

Expenses of  
Act.

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