

DUBLIN.

By the Right Hon. The Lord Mayor, Robert Henry Kinahan.

By-Laws for the Regulation of Smithfield Market, and of all other Hay, Straw, and Cattle Markets within the Borough of Dublin.

WHEREAS by an Act made and passed in the 12th and 13th years of the reign of Her present Majesty, intituled "An Act for the Improvement of the City of Dublin," it is in and by the 72nd section thereof recited, "That the Lord Mayor of the City of Dublin is, by Charter, Clerk of the Markets within the said City," and it is thereby enacted, "That the Lord Mayor for the time being shall be the sole Clerk of the Markets of the Borough of Dublin, and shall have and enjoy all the privileges of such Office, save so far as same are altered by, or inconsistent with, the said Act."

And in and by the 73rd section of said Act, it is recited "That doubts have arisen respecting the powers vested in the said Lord Mayor, by right of his said office of Clerk of the Markets of the Borough of Dublin, and it is expedient to remove the same," and it is thereby enacted, "That it shall be lawful for the said Lord Mayor for the time being, by virtue of such office, from time to time to make such Bye-Laws as he shall think fit, for all or any of the following purposes, that is to say:—

- "For the inspection of the Markets in said Borough.
- "For preventing nuisances or obstructions in the Market places, or in the immediate approaches thereto.
- "For keeping the Markets in a cleanly and proper state, and for removing filth and refuse at least once in every twenty-four hours, and for requiring that they be provided with a sufficient supply of water, and preventing the exercise of cruelty therein.
- "For preventing the use of false or defective weights, scales, or measures; and
- "For preventing the sale or exposure for sale of unwholesome provisions in the Markets, and for condemning and disposing of same.
- "For preventing frauds in the hay, straw, and other public Markets in said Borough, and for authorizing the seizing, detaining, inspecting, or weighing, (for the detection or prevention of frauds,) any hay, straw, goods, or wares exposed for sale in any of the said Markets, or the carts, carriages, or vehicles, whereon the same may be laden."

And it is thereby also enacted, "That the said Lord Mayor may from time to time, as he shall think fit, repeal or alter any such Bye-Laws, provided such Bye-Laws be not repugnant to the laws of that part of the United Kingdom of Great Britain and Ireland, called Ireland, or the provisions of said Act, or any Act incorporated therewith; and said Lord Mayor is empowered by said Bye-Laws to impose such reasonable penalties as he shall think fit, not exceeding £5 for each breach of such Bye-Laws."

And whereas, on or about the 11th day of June, 1851, Benjamin Lee Guinness, the then Lord Mayor of the City of Dublin, did, in pursuance of the above powers, make Bye-Laws for the regulation of the meat, fish, and general Markets of the Borough of Dublin, but the said Bye-Laws did not extend to, or apply to, Smithfield, or the other hay, straw, and cattle Markets of the said Borough of Dublin.

Now I, Robert Henry Kinahan, Lord Mayor of the City of Dublin, in pursuance and exercise of the powers contained in the said statute, and of all other powers enabling me in that behalf, do make, order, and ordain the following Bye-Laws in amendment of or addition to the said Bye-Laws of the 11th day of June, 1851, as Bye-Laws for the government, inspection, and regulation of Smithfield Market, and of all other hay, straw, and cattle Markets within the said Borough, and do fix that the pecuniary penalties in each of the said Bye-Laws respectively named shall be incurred by any person or persons breaking or violating such Bye-Laws, that is to say:

Bye-Laws for the Regulation of Smithfield and all Hay, Straw, and Cattle Markets within the Borough of Dublin.

1st. Any person or persons who shall interrupt or obstruct, or cause to be interrupted or obstructed, Smithfield or any other such Market, or any of the immediate approaches to Smithfield, or any other such Market, or who shall obstruct or cause to be obstructed, any weighmaster or the assistant of any weighmaster, or any other officer or authorized person in the discharge of any lawful duty relating to Smithfield or any other such Market, or who shall improperly obstruct or interrupt the owner or driver of any cart, dray, or other vehicle proceeding to, or returning from, any weigh-house, or who shall improperly obstruct or interrupt any such owner or driver, or any other person proceeding about or doing his lawful business in Smithfield or any other such Market, shall for every such offence or breach of this Bye-Law, forfeit and incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such penalty shall be sought to be recovered, shall have power to order the whole or any part thereof only to be paid, or to remit the whole thereof.

2nd. That no weighmaster or other person or persons, except the weighmaster or weighmasters, or other person or persons who shall be specially appointed by the Lord Mayor for the time being, to discharge the duty of issuing numbers or figures to the owners of carts, drays, and other vehicles, and registering such carts, drays, or other vehicles, resorting to Smithfield, or any other such Market, shall issue numbers or figures to the owner or driver of any cart, dray, or other vehicle, to be affixed thereto, or otherwise interfere with the registration thereof, in the manner hereinafter provided. And any weighmaster or other person or persons offending against or committing any breach of this Bye-Law, shall, for each and every such offence or breach thereof, forfeit and incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

3rd. In order that each cart, dray, or other vehicle resorting to Smithfield, or any other such Market, may be numbered, and the number and weight thereof registered, every such cart, dray, or other vehicle laden with hay or straw, which shall, for the first time after the coming into operation of this Code of Bye-Laws, be brought into the Market of Smithfield, or into any of the immediate approaches thereto, or into any other such Market, or any of the immediate approaches thereto, shall immediately after the delivery of the load, with which the

same shall be laden, be brought by the owner or driver thereof to the weigh-house or one of the weigh-houses, of which the weighmaster shall be specially appointed by the Lord Mayor for the time being, to discharge the duty of numbering and of ascertaining the tares of carts, drays, and other vehicles, and of registering same, and such weighmaster, or some authorized person acting for him, shall weigh such cart, dray, or other vehicle, and enter the number and tare thereof, and the name and residence of the owner thereof in a book to be kept for such purpose, and shall thereupon issue to the owner or driver of such cart, dray, or other vehicle, having first filled up correctly the blanks therein, and signed his name at foot thereof, a Certificate upon parchment in the form following:

No. — Dated — day of —, 18 .

Vehicle with registered No. — thereon has been this day weighed at the Corporation Weigh-house, No. —, and found to weigh — cwts., — qrs., — lbs., without loading, which I Certify.

—————, Weighmaster.

And such Certificate shall be in force for Two Calendar Months after the day of the date thereof, in case no alteration shall in the mean time have been made in the weight of such cart, dray, or other vehicle, and shall be produced by the owner or driver thereof to the weighmaster or person acting as a weighmaster, who shall be required to weigh such cart, dray, or other vehicle with the loading thereof, to enable such weighmaster or other person to fill up the blank for the registered weight of such cart, dray, or other vehicle in the weigh-note. And upon the expiration of Two Calendar Months from the day of the date of any such tare Certificate, or upon any alteration of the weight of any such cart, dray, or other vehicle, the owner or driver thereof shall forthwith procure a new Certificate in the manner and subject to the same regulations as before provided, with respect to the original Certificate, and so from time to time on the expiration of the Certificate for the time being, or any alteration of the weight of the cart, dray, or other vehicle, procure a fresh Certificate as above provided. And when and as soon as such cart, dray, or other vehicle shall have been so numbered and registered as hereinbefore provided, the owner or driver thereof shall before the same shall again be brought into Smithfield, or any other such Market, or the approaches thereto, cause to be legibly written, or printed, or stamped on some conspicuous part of the body, and on each of the shafts, and on each of the wheels of such cart, dray, or other vehicle, the said registered number or figure, together with the name of the Market wherein the same shall have been issued, and from and after the time when, by the foregoing provisions of this Bye-Law, any cart, dray, or other vehicle is required to be so numbered and registered, no weighmaster or person acting as a weighmaster in Smithfield, or any other such Market, or in any of the immediate approaches to Smithfield, or any other such Market, or other person shall issue, or permit to be issued, either a ticket or weigh-note to the owner or driver of any such cart, dray, or other vehicle, or to any other person, until such cart, dray, or other vehicle shall have been so duly numbered and registered as aforesaid, and until the Certificate thereof shall have been produced to such weighmaster or other person. Any person or persons omitting to comply with, or offending against, or committing any breach of this Bye-

Law shall, for every such omission, offence, breach, forfeit and incur a penalty not exceeding £5, to be recovered and applied according to law provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid or remit the whole thereof.

4th. That every such weighmaster or person acting as or for a weighmaster, shall, immediately on weighing any cart, dray, or other vehicle laden with hay or straw, deliver to the owner or driver thereof, a ticket or weigh-note in the following form, having first filled up the blanks in the first part thereof, for the load, date, number of the ticket or weigh-note, registered number, and registered weight, as appearing by the Certificate of the cart, dray, or other vehicle, and gross weight thereof, and signed his name at the place marked No. 1, in such ticket or weigh-note; and such weighmaster or his assistant, shall make corresponding entries in the first part of the block of such ticket or weigh-note, and shall produce the said first part on being required so to do, to the Lord Mayor for the time being, or to his deputy or assistant or other person authorized in that behalf.

————— day of —, 18 . No. —

I have this day weighed a load of — upon Cart No. —, the registered weight of which Cart appears by the Certificate thereof produced to me, to be — cwts. — qrs. — lbs.; and I find the gross weight to be — cwts. — qrs. — lbs., upon the return of this Cart to the Market; after delivering its load the empty Cart shall be brought back to be weighed, and the tare thereof ascertained at this weigh-house, and the 2nd part of this weigh-note filled up.

No. 1, Signed, —————

Weighmaster.

2nd part. Corporation Weigh-house, No. —

The Cart No. —, above described, having returned to this weigh-house empty, I have weighed same, and certify its weight without loading to be — cwt. — qrs. — lbs., which being deducted from the gross weight in the first part of this ticket stated, ascertains the weight of the load thereon when first weighed here to have been, — cwt. — qrs. — lbs.

No. 2, Signed, —————

Weighmaster.

Note of Option.

The Cart No. —, was last tared upon the — day of —, and the weight thereof ascertained then to be as above-mentioned; and the purchaser has the option of accepting such tare, or sending the Cart back to be tared, which latter course is recommended.

And on the return of any such empty cart, dray, or other vehicle, and production by the owner or driver thereof of the ticket or weigh-note so issued, the weighmaster who shall have so issued same, shall weigh such empty cart and shall fill up the 2nd part of such ticket or weigh-note, and sign his name to the same at the place marked No. 2 therein; and said weighmaster or his assistant shall make a corresponding entry in the block of the 2nd part of such ticket or weigh-note, and shall produce the same on being required so to do, to the Lord Mayor for the time being, or to his deputy or assistant, or to any other person duly authorized in that behalf; and no weighmaster or

person acting as a weighmaster, or other person, shall issue or permit to be issued, the said ticket or weigh-note or either part thereof, filled up to any person or persons, until an entry of the particulars therein contained, shall be made in the book thereof, as hereinbefore directed. Any person or persons offending against or committing any breach of the foregoing Bye-Law, shall for each and every such offence or breach, forfeit and incur a penalty not exceeding £5, to be recovered and applied as by law directed; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

3b. That no weighmaster or person acting as a weighmaster or other person in said Market of Smithfield, or in any other such Market, or adjacent to said Market of Smithfield, or any other such Market, or elsewhere within the said Borough, shall issue any ticket or weigh-note in any form other than that above prescribed in Bye-Law No. 4, nor shall any such weighmaster or person acting as a weighmaster or other person, issue any ticket or weigh-note purporting to be by the authority of the Lord Mayor, or use the City Arms on such ticket or weigh-note, or affix same on or near to his weigh-house, unless such weighmaster or persons acting as a weighmaster, or other person shall at the time he shall so do, issue, use, or affix as aforesaid, hold an appointment or deputation in due form of law, granted under and by the Lord Mayor for the time being. Any person or persons offending against, or committing any breach of the foregoing Bye-Law, shall, for each and every such offence or breach thereof, forfeit and incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered shall have power to order the whole or any part of such penalty to be paid, or to remit the whole thereof.

6d. That every such weighmaster or person acting as or for a weighmaster, shall upon weighing any cart, dray, or other vehicle laden with hay and straw, enter in a book to be kept for such purpose, the number of such cart, the gross weight of such cart, and the load thereon, and the date when such cart was then last tared and registered, and shall permit the Lord Mayor for the time being, or any of his Lordship's deputies or assistants, or any other person duly authorized in that behalf, to inspect and take copies of, or extracts from, such book, any person or persons offending against or committing any breach of the foregoing Bye-Law, shall, for each and every such offence or breach thereof, forfeit and incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such penalty to be paid, or to remit the whole thereof.

7h. That every owner or driver of any cart, dray, or other vehicle laden with hay or straw, or other goods for which a ticket or weigh-note, or other part thereof, shall have been obtained, shall, on being required so to do, by the Lord Mayor or his assistant or deputy, or inspector, or the purchaser or seller of such load, or by a Constable of Police or other person authorized in that behalf, forthwith bring the same to be tested at such weigh-house as he shall be so required in that behalf, and if any such owner or driver shall re-

fuse or delay to bring such cart, dray, or other vehicle to be so weighed or tested, or shall refuse to assist in the weighing thereof, or if the weights thereof shall be found to differ from the ticket or weigh-note aforesaid, such owner or driver shall incur the penalty hereinafter mentioned, that is to say: That any person or persons offending against or committing any breach of the foregoing Bye-Law, shall for each such offence or breach thereof, forfeit and incur a penalty not exceeding £5, to be recovered and applied as by law directed; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

8h. Any owner or driver of any cart, dray, or other vehicle, or other person who shall, between the time when the same and the loading thereof have been so weighed as aforesaid, and the time when the same is weighed without the loading, change the wheels thereof, or make any other alteration thereon, or who shall be guilty of any other fraudulent contrivance to misrepresent the weight of such cart, dray, or other vehicle, or of the loading thereof, or after same shall have been registered, shall change or obliterate the market figure thereof, shall, for each and every such offence or breach of this Bye-Law, incur a penalty not exceeding £5, to be recovered and applied as by law directed; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

9th. The Lord Mayor or his assistant or deputy, as Clerk of the Market, or any Inspector, or any Constable of Police, or other person authorized in that behalf, may seize, detain, inspect, and weigh, any hay, straw, goods, or wares, exposed for sale in Smithfield Market, or any other such Market in the Borough of Dublin, or the carts, carriages, or vehicles whereon the same may be laden, whenever they or any of them shall suspect that any fraud has been committed, or is intended in relation thereto, and may detain the same for such reasonable time as may be required for such inspection and weighing, and for the prevention of, and detection of any such fraud; and any person or persons obstructing or causing any obstruction to the Lord Mayor, or his assistant, or deputy, or Inspector or Constable of Police, or other person so authorized in that behalf, in so seizing, detaining, inspecting, or weighing, any such hay or straw, goods, wares, carts, carriages, or vehicles, for the purposes aforesaid, shall, for each and every such offence, incur a penalty not exceeding £5, to be recovered and applied as by law directed; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

10th. Any driver or owner of any cart, dray, or other vehicle resorting to the said Market of Smithfield, or any other such Market within the Borough of Dublin, or weighmaster, or other person who at the time of weighing any such cart, dray, or other vehicle, shall knowingly have any thing in or about the same, other than the proper loading thereof, or who, after the weighing of any such cart with the loading thereof, shall remove any part of such loading, and afterwards dispose of, or attempt to dispose of, or represent the residue of such loading as being the full loading denoted by such ticket or weigh-note, or who shall

in any way employ, adopt, use, connive at, or become accessory to, or instrumental in, any fraud in the weight or representation of the weight or weighing of any such cart, dray, or other vehicle, whether laden or unladen, or the loading thereof, or whether before or after the loading thereof, shall have been delivered to the purchaser thereof, or shall make use of, or procure to be made use of, any incorrect weights, machine, or scales, for weighing such carts, drays, or other vehicles, or the loading thereof, or any other goods or provisions brought to or exposed for sale in said Market of Smithfield, or other such Market, or in any of the immediate approaches thereto, or shall issue or use, or be accessory to, the issuing or using of any incorrect, false, or counterfeit ticket or weigh-note, or shall alter or be accessory or privy to the altering of any ticket or weigh-note, every such weighmaster or other person or persons, shall, for each and every such offence, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

11th. Any person or persons knowingly selling or exposing for sale within Smithfield, or any other such Market within the Borough of Dublin, any load of hay or straw, the interior of which shall be more damp, or of a quality inferior to the exterior, or which shall be in any other way fraudulently made up, shall, for each and every such offence or breach of this Bye-Law, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

12th. That in order to prevent obstruction in said Market in Smithfield, or other Market within the Borough of Dublin, used for the sale of cattle, sheep, pigs, or other animals, no person or persons whatsoever shall keep or allow to be kept within said Market of Smithfield, or other Market used as aforesaid, or any of the immediate approaches to said Market of Smithfield, or other Market as aforesaid, any pens or other obstruction on any day save a Cattle Market day or day next before Cattle Market day, and upon any day next previous to any of such Cattle Market days, it shall be lawful to erect such pens after, but not before the hour of Two o'Clock, P.M., from the 1st of November, to 31st March: and after the hour of Four o'Clock, P.M., from 1st day of April to 31st day of October in each year, but such pens must be removed before Nine o'Clock, A.M., on the day next after any Cattle Market day. Any person or persons neglecting to remove such pens or obstructions, or offending against, or committing any other breach of the foregoing Bye-Law, shall, for each and every such offence or breach thereof, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

13th. That any person or persons who shall bring, or cause, or suffer to be brought, into said Market of Smithfield, or other Market within the Borough of Dublin, used for the sale of cattle,

sheep, pigs, or other animals, or any of the immediate approaches to any such Market, any animal unsound, or disordered, or unfit for food, shall incur a penalty for each and every such offence not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

14th. That every weighmaster or person acting as such in Smithfield, or any other such Market, or the approaches thereto, within the Borough of Dublin, whose weigh tables, weighing machines, or weights, shall be found on examination to be untrue, incorrect, or defective, shall incur a penalty not exceeding £5. Any person or persons offending against or committing any breach of the foregoing Bye-Law, shall for each and every such offence or breach thereof, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

15th. In order that a free passage for carriages, carts may be constantly kept open through, and round Smithfield Market, and through, and round the Hay Market and New Church-street adjoining to said Market of Smithfield, no person or persons shall erect, or permit or cause to be erected in said Market of Smithfield, or in the Hay Market, or in New Church-street adjoining to said Market of Smithfield, upon any day, at any time whatsoever, any pens within five feet of the curb stone of the footway situated either side of said Market of Smithfield, or within fifteen feet of the footways situate at either side of the Hay Market, or of New Church-street adjoining said Market of Smithfield: nor shall any person or persons erect, or permit or cause to be erected, any pens in any of the public thoroughfares leading into said Market, save in the Hay Market, or New Church-street aforesaid, subject to the prohibition aforesaid, any person or persons offending against or committing any breach of this Bye-Law, or wilfully causing any obstruction in the passages leading through, to, or round Smithfield Market, or in the passages leading through, and round the Hay Market or New Church-street adjoining said Market of Smithfield, shall, for each and every such offence against, or breach of the Bye-Law, or wilful obstruction in any such passage as aforesaid, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, the Justice or Justices before whom such sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

16th. That the said Market of Smithfield, and any other Market within the Borough of Dublin, used for the sale of cattle, sheep, pigs, or other animals, shall open for the sale of cattle, sheep, pigs, or other animals, at, but not before, the hours of Five o'Clock, A.M., from the 1st day of March, to the 1st day of October, and Seven o'Clock, A.M., from the 1st day of October to the 1st day of March in each year, and that any person or persons selling or offering for sale any animal whatsoever prior to such hours, shall, for each and every breach of the foregoing Bye-Law, incur a penalty not exceeding £5, to be recovered and applied according to law; provided, however, that the Justice or Justices before whom such

sum or penalty shall be sought to be recovered, shall have power to order the whole or any part of such sum or penalty to be paid, or to remit the whole thereof.

Given under my Hand and Seal, at the Mansion House, this 18th day of August, 1853.

ROBERT HENRY KINAHAN,
Lord Mayor of Dublin.