ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

********************************************************

## CAP. LII.

## An Act to amend "The Drainage and Improvement of Lands Acts (*Ireland*)," and to afford further Facilities for the Purposes thereof.

[29th *June* 1865.]

WHEREAS an Act was passed in the Session of Parliament holden in the Twenty-sixth and Twenty-seventh Years of Her Majesty, Chapter Eighty-eight: And whereas a further Act was passed in the Session of Parliament holden in the Twenty-seventh and Twenty-eighth Years of Her Majesty, Chapter Seventy-two, intituled *An Act to explain certain Provisions contained in the Drainage and Improvement of Lands Act* (Ireland), 1863: And whereas it is expedient that further Facilities should be given for the Purposes of the said Acts, and that the said Acts should be amended: 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:

26 & 27 Vict. c. 88.

27 & 28 Vict. c. 72.

**1.** This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Amendment Act (*Ireland*), 1865."

Short Title.

**2.** In all Cases in which Copies of the Schedules, Maps, Plans, Sections, and Estimates in respect of the Formation of any District, signed

Copies of Inspectors Reports to be lodged with

Clerk of the Peace.

signed by the Inspector appointed by the Commissioners of Public Works, shall be lodged with the Clerk of the Peace, as directed by Section Six, Number Three, of the said first-recited Act, Copies of the Inspector's Report referring to such Maps, Plans, Sections, and Estimates shall be lodged therewith.

Part of Sect. 38. of first-recited Act repealed, and Commissioners of Public Works empowered to advance Monies necessary for the Works.

**3.** So much of the Thirty-eighth Section of the said first-recited Act as provides that no Issue or Instalment of any Loan or Advance shall be made unless the said Commissioners shall be satisfied that the Drainage Board have previously *bonâ fide* expended a Sum of Money equal to the Amount of such Issue or Instalment in the Drainage and Improvement of such District, and that in no Case shall any such Loan or Advance be made exceeding One Moiety of the Monies proposed to be expended on the Drainage and Improvement of such District, shall be and the same is hereby repealed; and the said Commissioners of Public Works are hereby empowered (with the Sanction of the Commissioners of Her Majesty's Treasury, by such Instalments and subject to such Rules and Regulations as the said last-mentioned Commissioners may think proper,) to advance any Sum or Sums of Money which the said Commissioners of Public Works may think necessary and proper for the Execution of the Works in any District, and for defraying the Expenses which the said Commissioners may consider properly connected therewith: Provided that no Second or subsequent Instalment of any such Loan shall be made until it shall have been proved to the Satisfaction of the said Commissioners of Public Works that the preceding Instalment has been properly expended in the Execution of the Works in such District.

All the Provisions of former Acts with respect to Loans to apply to Loans under this Act.

**4.** All the Provisions in the said recited Acts or either of them contained with respect to Loans or Advances made by the said Commissioners of Public Works, and the Security and Repayment thereof, and the making of the final Awards by the Commissioners of Public Works, shall be deemed and taken to apply to all Loans to be made by the said Commissioners under the Provisions of this Act.

Nothing in the Acts construed to render legal Works that would have been illegal if Acts had not passed.

**5.** It is hereby declared, that as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of any Board established by the said first-recited Act, nothing contained in the said Act, or in any Provisional Order, or any Act confirming the same, shall be construed to render legal any Work executed or to be executed by such Board that would, if the said Acts had not been passed, have been illegal by reason of its injuriously affecting such Land or Property; and any Damages adjudged

adjudged to be paid by the said Board to any Person as aforesaid shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in the Manner in which the said Costs are authorized to be defrayed by the said "Drainage and Improvement of Lands Act (*Ireland*), 1863."

This Act to apply to Districts in which Provisional Orders have been made.

**6.** All the Provisions of this Act shall be deemed and taken to apply to Districts in respect of which the Commissioners of Public Works have heretofore made Provisional Orders under the said first-recited Act.

This and recited Act to be as One.

**7.** This Act and the recited Acts shall be read together and construed as One Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.