# CHAPTER clvi.

An Act to confirm two Provisional Orders under the Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892 relating to the Curraghtown Drainage District in the county of Meath and the Akeragh Lough Drainage District in the county of Kerry. A.D. 1911.

[18th August 1911.]

WHEREAS the Commissioners of Public Works in Ireland have in pursuance of the Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892 (herein-after called "the Drainage Acts") duly made the Provisional Orders contained in the First and Second Schedules to this Act annexed and it is by the Drainage Acts provided that no such Orders shall be of any validity whatever until confirmed by Parliament and it is expedient that the said Orders should be so confirmed:

Be it therefore enacted by the King'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:—

Provisional Orders in schedules confirmed.

**1.** The Provisional Orders contained in the First and Second Schedules hereto annexed are hereby confirmed and all the provisions thereof as set out in the said schedules shall from and after the passing of this Act have full validity and force.

Short title.

**2.** This Act may be cited for all purposes as the Drainage and Improvement of Lands (Ireland) Supplemental Act 1911.

A.D. 1911.

# SCHEDULES.

## FIRST SCHEDULE.

### THE DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACTS 1863 TO 1892.

26 & 27 *Vict. c.* 88. 27 & 28 *Vict. c.* 72. 28 & 29 *Vict. c.* 52. 32 & 33 *Vict. c.* 72. 35 & 36 *Vict. c.* 31. 37 & 38 *Vict. c.* 32. 41 & 42 *Vict. c.* 59. 43 & 44 *Vict. c.* 27. *and* 55 & 56 *Vict. c.* 65.

In the matter of the Curraghtown Drainage District in the county of Meath.

WHEREAS certain persons herein-after called the Petitioners interested in lands liable to be flooded or injured by water or the drainage whereof is capable of being improved situate in above-named intended drainage district on or about the Sixteenth day of October one thousand nine hundred and nine presented their petition to Us the Commissioners of Public Works in Ireland herein-after called the Commissioners of Public Works under the Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892 herein-after referred to as the Drainage Acts accompanied by proper schedules maps plans sections and estimates together with the other particulars and information required by the Drainage Acts showing by reference to the said maps the boundaries and area of the proposed drainage district and stating the exigencies rendering the formation of such drainage district necessary and praying that all necessary proceedings might be taken for the purpose of having a separate drainage district constituted under the provisions of the Drainage Acts:

And whereas We the Commissioners of Public Works duly appointed and sent an inspector namely Arthur Hade Esquire civil engineer to the district for the purpose of making inquiries into the propriety of constituting the proposed district and as to the assent of the proprietors thereto:

And whereas the said inspector proceeded to the district and made all inquiries and heard and considered all objections as directed by the Drainage Acts:

And whereas the said inspector duly reported in writing the result of his inquiries to Us the Commissioners of Public Works and copies of

such report were lodged and notice of such lodgment published pursuant to the provisions of the Drainage Acts:

And whereas no objection to the said report has been made to Us the Commissioners of Public Works:

And whereas We the Commissioners of Public Works have duly considered the said report:

And whereas within the term limited for making objections to the said report the proprietors of certain lands included within the proposed district dissented from or did not assent to the formation of such district and the persons occupying such lands as tenants applied pursuant to the Drainage and Improvement of Land (Ireland) Act 1892 to Us the Commissioners of Public Works to be substituted for the proprietors of such lands respectively for the purposes of the Drainage Acts:

And whereas by order under our common seal We the Commissioners of Public Works in exercise of the power in the Drainage and Improvement of Land (Ireland) Act 1892 enabling Us ordered that certain of the said applicants who are herein-after referred to as the substituted proprietors (which expression shall include every person in whom for the time being is vested the tenancy under which any substituted proprietor at the time of substitution held the land in respect of which he was so substituted) should for the purposes of the Drainage Acts be substituted for the respective proprietors of such lands respectively without prejudice nevertheless to the right of the said respective proprietors to dissent from the formation of the proposed district:

And whereas all preliminaries required by the Drainage Acts to precede the making of this Provisional Order have been duly complied with:

And whereas We the Commissioners of Public Works upon consideration of the premises are satisfied of the propriety of constituting the proposed separate drainage district and that the proprietors and substituted proprietors of one moiety in value of the lands in the proposed district are in favour thereof and have subsequently to the date of the report of the said inspector assented thereto in writing and that the proprietors of one-third part in value of such lands in the said district have not expressed in writing their dissent to the formation of the said drainage district:

Now therefore in pursuance of the power given to Us by the Drainage Acts We the Commissioners of Public Works in Ireland do by this Provisional Order under our common seal constitute the area in the said petition and report and the boundaries and extent of which are set forth within yellow lines on the map to which We have caused our common seal to be attached (and which map is

A.D. 1911.

deposited in the office of Public Works in Ireland) a separate drainage district by the name of the Curraghtown Drainage District:

And We do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as We the said Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed marked with the letter "B" and also sealed with our common seal:

And We the Commissioners of Public Works do by this our Order order and direct that the time for the completion of the necessary works in the said district shall be limited to the First day of November which will be in the year one thousand nine hundred and twelve:

And we do further by this our Provisional Order make the following regulations with respect to the drainage board:—

That the drainage board for the said district shall consist of five members That the following persons shall be the members of the first drainage board viz.:—

Henry Courtney of Retaine Boyerstown Road Navan;
John Gibney of Retaine Boyerstown Road Navan;
Patrick Kelly of Clonmalevin Macetown Navan;
Mrs. Elizabeth Loughran of Shambo Navan; and
John McDermott of Macetown Navan;

all in the county of Meath farmers.

That the first meeting of said board shall be summoned by notice under the hands of any two or more of the said board published in the Dublin Gazette and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor or substituted proprietor as defined by the Drainage Acts of land situate within the area of the said district or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district and acting as receiver of the rents and profits of such lands or that he shall be a tenant occupier or tenant purchaser of a holding within said district.

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the Drainage Acts that is to say the proprietors and substituted proprietors of lands within the district being entitled to vote according to the scale contained in the Drainage

and Improvement of Land (Ireland) Act 1863 Provided always that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor or substituted proprietor or some portion thereof shall be rateable on account of the works in the district and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district:

Provided also that no proprietor shall be entitled to vote in respect of any land the tenant whereof has been substituted for such proprietor so long as the substituted proprietor's tenancy therein shall continue.

In witness whereof We the Commissioners of Public Works in Ireland have hereunto caused our common seal to be affixed this Eleventh day of April one thousand nine hundred and eleven.

H. Williams
Secretary.

The Seal of the Commissioners of Public Works in Ireland.

Office of Public Works Dublin.

## SECOND SCHEDULE.

### THE DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACTS 1863 to 1892.

26 & 27 *Vict.* *c.* 88. 27 & 28 *Vict.* *c.* 72. 28 & 29 *Vict.* *c.* 52. 32 & 33 *Vict.* *c.* 72. 35 & 36 *Vict.* *c.* 31. 37 & 38 *Vict.* *c.* 32. 41 & 42 *Vict.* *c.* 59. 43 & 44 *Vict.* *c.* 27. *and* 55 & 56 *Vict.* *c.* 65.

In the matter of the Akeragh Lough Drainage District in the county of Kerry.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to Akeragh Lough in the county of Kerry on or about the Twenty-sixth day of May one thousand nine hundred and five presented their petition to Us the Commissioners of Public Works in Ireland herein-after called the Commissioners under the provisions

A.D. 1911.

of the Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892 (herein-after called the Drainage Acts) accompanied by the proper schedules maps plans sections and estimates together with other particulars and information required by the Drainage Acts showing by reference to the said maps the boundaries and area of the proposed drainage district and stating the exigencies rendering the formation of such drainage district necessary and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the Drainage Acts:

And whereas the Commissioners referred the same to John Horan Esquire M.Inst.C.E. an inspector duly appointed under the Drainage Acts:

And whereas all notices and inquiries required by the Drainage Acts have been duly given and made and the said inspector has duly reported to Us the Commissioners in writing the result of his inquiries and We the Commissioners have duly considered the same:

And whereas objections to the said report have been made to Us the Commissioners by two proprietors in the said district and We have duly considered the same:

And whereas all preliminaries required by the Drainage Acts to precede the making of this Provisional Order have been performed and complied with:

And whereas We the Commissioners upon consideration of the premises are satisfied of the propriety of constituting the proposed separate drainage district and that the proprietors of one moiety in value of the lands in the proposed district are in favour thereof and have subsequently to the date of the report of the said inspector assented thereto in writing and that the proprietors of one third part in value of such lands in the said district have not expressed in writing their dissent to the formation of the said drainage district:

Now therefore in pursuance of the power given to Us by the Drainage Acts We the Commissioners do by this Provisional Order under our common seal constitute the area in the said petition and report the boundaries and extent of which are set forth within yellow lines on the map to which We have caused our common seal to be affixed (and which map is deposited in the office of Public Works in Ireland) a separate drainage district by the name of the Akeragh Lough Drainage District:

And We do declare that the lands to be purchased for the proposed works in the said district (subject to such alterations and deviations therefrom as We the Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and

the schedule thereto annexed marked with the letter "B" and also sealed with our common seal: A.D. 1911.

And We the Commissioners do hereby order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of January which will be in the year one thousand nine hundred and fourteen:

And We do further make the following regulations with respect to the drainage board:—

That the drainage board for the said district shall consist of six members That the following persons shall be the members of the first drainage board viz.:—

James D. Crosbie of Ballyheigue Castle Ballyheigue Esquire D.L.;
Thomas Lawlor of Ballymacquin Ardfert farmer;
Maurice E. O'Sullivan of Banemore Ardfert farmer;
Jeremiah Crean of Buncurrig Ballyheigue farmer;
Thomas Magee of Drumgower Ballyheigue farmer; and
Patrick Cashman of Tonreigh Ballyheigue farmer;
all in the county of Kerry.

That the first meeting of said board shall be summoned by notice under the hands of any two or more members of the said board published in the Dublin Gazette and some newspaper generally circulating in the said district at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the Drainage Acts) of not less than twenty acres of land situate within the area of the said district or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district and acting as receiver of the rents and profits of such lands.

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this Order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the Drainage Acts that is to say the proprietors of lands within the district being entitled to vote according to the scale contained in the Drainage and Improvement of Land (Ireland) Act 1863 Provided always that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor or some portion thereof shall be rateable on account of the works in the district and he shall have previously

A.D. 1911. paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof We the Commissioners have hereunto caused our common seal to be affixed this Eighth day of May one thousand nine hundred and eleven.

H. WILLIAMS
Secretary.

The Seal of the Commissioners of Public Works in Ireland.

Office of Public Works Dublin.

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