CHAPTER iv.

An Act to confirm certain Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same, relating to the Upper Morning Star Drainage District, county Limerick, and the Cashen River Drainage District, county Kerry. A.D. 1885.

[21st May 1885.]

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, duly made the Provisional Orders contained in the first and second parts of the Schedule to this Act annexed, and it is by the first-mentioned Act provided that no such Orders shall be of any validity whatever until confirmed by Parliament, and it is expedient that said Orders should be so confirmed: 26 & 27 Vict. c. 88. Section 6, Part 7.

Be it therefore 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:

1. The Provisional Orders contained in the Schedule hereto annexed are hereby confirmed, and from and after the passing of this Act shall respectively be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional Orders in Schedule confirmed.

2. This Act may be cited for all purposes as the Drainage and Improvement of Lands Supplemental (Ireland) Act, 1885. Short title.

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SCHEDULE to which this Act refers.

PART I.

"The Drainage and Improvement of Lands Act (Ireland), 1863."

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; and 41 & 42 Vict. c. 59.

In the matter of the Upper Morning Star Drainage District, in the county of Limerick.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the sixth day of October one thousand eight hundred and eighty-three, presented their Petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act (Ireland), 1863" (herein-after called the Act of 1863), and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, 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 said Acts.

And whereas the said Commissioners referred the same to John Hill, Esquire, Civil Engineer, an Inspector duly appointed under the said Acts.

And whereas all notices and inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same.

And whereas an objection to the said report has been made to us, which was duly considered.

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with.

And whereas we, the said 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 said 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 deposited in the Office of Public Works in Ireland), a separate Drainage District by the name of "The Upper Morning Star 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 said 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 thirty-first day of July which will be in the year one thousand eight hundred and eighty-eight.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:—

That the Drainage Board for said District shall consist of six members:

That the following persons shall be the members of the first Drainage Board; viz., Sir David Vandeleur Roche, of Carass, in the county of Limerick, Baronet; William Hugh Massy Bennett, of Glenefy, in the county of Tipperary, Esquire; William Sidney Cox, of No. 66, George Street, in the city of Limerick, Esquire; James O'Lehane, of Island Dromagh, in the county of Limerick, Esquire; Robert Massy Dawson Sanders, of Sanders Park, in the county of Cork, Esquire; and Charles Eyre Coote Townsend, of Mount Coote, in the county of Limerick, Esquire:

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 (as defined by the said Act of 1863 and the Acts referred to therein or incorporated therewith) 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 Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 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 paid all

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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 said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this sixteenth day of January one thousand eight hundred and eighty-five.

W. B. Soady,
Secretary.

Office of Public Works, Dublin.

Seal of the Commissioners of Public Works in Ireland.

PART II.

"The Drainage and Improvement of Lands Act (Ireland), 1863."

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; and 43 & 44 Vict. c. 27.

In the matter of the Cashen River Drainage District, in the County of Kerry.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the twenty-second day of August one thousand eight hundred and eighty-four, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act (Ireland), 1863," (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, 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 said Acts.

And whereas the said Commissioners referred the same to John Hill, Esquire, civil engineer, and inspector duly appointed under the said Acts.

And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same.

And whereas no objection to the said report has been made to us.

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with.

And whereas we, the said 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 said 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 deposited in the Office of Public Works in Ireland), a separate Drainage District by the name of "The Cashen River 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 said 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 August which will be in the year one thousand eight hundred and eighty-seven.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board :—

That the Drainage Board for said District shall consist of ten members: That the following persons shall be the members of the first Drainage Board; viz., the Right Honourable William Earl of Listowel, of Convanmore, in the county of Cork; John Wrixon Becher, of Castle Hyde, in the same county, Esquire; Edward Morrogh Bernard, of Sheheree, in the county of Kerry, Esquire; George Robert Brown, of Caherdown, in the county of Kerry aforesaid, Esquire; William Sidney Cox, of No. 66, George Street, in the city of Limerick, Esquire; Robert Fitzgerald, of Tralee, in the county of Kerry aforesaid, Esquire; Wilson Gun, of Rattoo, in the county of Kerry aforesaid, Esquire; George Hewson, of Ennismore, in the county of Kerry aforesaid, Esquire; Samuel Murray Hussey, of Edenburn, in the county of Kerry aforesaid, Esquire; and Cecil Ernest Vandeleur, of No. 46, Leeson Park, in the county of Dublin, Esquire:

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 (as defined by the said Act of 1863 and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situated 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

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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 Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 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 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 said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this fourth day of March one thousand eight hundred and eighty-five.

(Signed) W. B. Soady,
Secretary.

Office of Public Works, Dublin.

The Seal of the Commissioners of Public Works in Ireland.

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