CHAPTER i.

An Act to confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same relating to the Tramore River Drainage District, county Cork. [11th April 1889.] A.D. 1889.

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 Order contained in the Schedule to this Act annexed, and it is by the first-mentioned Act provided that no such Order shall be of any validity whatever until confirmed by Parliament, and it is expedient that the said Order should be so confirmed, subject to the provisions herein-after contained: 26 & 27 Vict. c. 88.

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:

Order in Schedule confirmed.

1. The Provisional Order as amended contained in the Schedule hereto annexed is hereby confirmed, and all the provisions thereof as set out in the said Schedule shall, from and after the passing of this Act, have full validity and force.

Saving rights of the Crown in the foreshore.

2. Nothing contained in this Act or in the Order hereby confirmed shall authorise the Drainage Board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty, in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act, nor in the Order hereby confirmed, contained, extend to take away, prejudice,

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diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

Saving as to rights under Crown Lands Act, 1866.

3. Nothing in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Works below high water mark not to be commenced without consent of Board of Trade.

4. The Drainage Board shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and re-flows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work may have been constructed, the Drainage Board shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition at the cost and charge of the Drainage Board, and the amount of such costs and charges shall be a debt due from the Drainage Board to the Crown, and shall be recoverable accordingly with costs.

Short title.

5. This Act may be cited for all purposes as the Drainage and Improvement of Lands Supplemental (Ireland) Act, 1889.

SCHEDULE.

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 Tramore River Drainage District, in the county of Cork.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the twenty-fifth day of February one thousand eight hundred and eighty-seven, 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 the 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, 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 by Messieurs O'Brien Brothers, and upon consideration of the said objection and the circumstances of the case in exercise of the power in that behalf given to us by the Act of 1863, we hereby state that the following works, that is to say, a tidal weir and sluices and filter and tank according to the plans prepared by Messieurs L. L. Purcell and Francis M. Murphy, engineers, shall be executed in addition to the works specified in the said plans and sections: 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

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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 Tramore River 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 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 December which will be in the year one thousand eight hundred and eighty-nine :

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. :—

Captain William Worth Newenham, J.P., of Coolmore, Carrigaline; Major Edward Barry Broadley, occupier of Ballinmote House, Mayfield; Timothy Desmond, occupier of Hampstead, Ballycurreen, Douglas; Robert Uniacke FitzGerald Townsend, J.P., of Stoneview, Blarney; and William Patrick Shine, of Greenmount, Cork; all in the county of Cork.

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 fifty acres of land situate within the area of the 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. A.D. 1889.

In witness whereof We, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this sixth day of October one thousand eight and eighty-eight.

W. B. Soady.

Office of Public Works, Dublin.

Seal.

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