CHAPTER liv.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the towns of Clonmel and Dundalk, and to a Burial Ground for the town of Clonmel, and to Waterworks in the town of Keady. A.D. 1879.

[3d July 1879.]

WHEREAS the Local Government Board for Ireland have, as regards the places herein mentioned, made the Provisional Orders set forth in the schedule hereunto annexed, under the provisions of the Public Health (Ireland) Act, 1878: 41 & 42 Vict. c. 52.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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 Orders set out in the schedule hereunto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. The Provisional Orders in schedule confirmed.

2. From and after the passing of this Act, it shall not be lawful for any justice of the peace of the borough of Clonmel to attend as such justice with the justices of the county of Tipperary or of the county of Waterford to hold special or presentment sessions (other than presentment sessions held for either of the said counties in respect of business relating to the county at large, as herein-after provided), held according to the provisions of the Act of the session of Parliament of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, or any Act amending the same; nor to do any act as such justice in respect of such special or presentment sessions: Provided always, that nothing contained in this section shall take away or Clonmel borough justices not to attend baronial presentment sessions.

A.D. 1879.

affect any right conferred by the said Act upon any justice of the peace for the said borough of attending as such justice with the justices of the peace for either of the said counties, at special or presentment sessions held for either of the said counties, under the authority and for the purposes of the said Act, in respect of business relating to the county at large.

Short title.

3. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Clonmel, &c.) Act, 1879.

SCHEDULE.

CLONMEL BOROUGH ORDER.
DUNDALK ORDER.
CLONMEL BURIAL GROUND ORDER.
KEADY ORDER.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BOROUGH OF CLONMEL.

Provisional Order.

WHEREAS an application has been made by the mayor, aldermen, and burgesses of the borough of Clonmel to the Local Government Board for Ireland, to transfer from the grand juries of the counties of Tipperary and Waterford (within which the said borough is situate) to the said Corporation the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within such borough hitherto vested in the said grand juries respectively; and to prevent such grand juries respectively, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such town; and to provide for the due payment of the balance of the grand jury cess to which such borough will then in future be liable:

It is ordered by the Local Government Board for Ireland, as follows:—

Transfer of powers from the grand juries to the Corporation.

1. From and after the time when this Order shall be confirmed by Act of Parliament, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the borough of Clonmel, except any public work which may concern the said counties or either of them at large, vested in the grand juries of the counties of Tipperary and of Waterford respectively under any Act or Acts, shall be transferred from the said grand juries respectively to the mayor, aldermen, and burgesses of Clonmel, and from and after such transfer it shall not be lawful for the said grand juries respectively to make any presentment with regard to any road, bridge, footpath, or other public work within the said borough, except any public work concerning the said counties at large and chargeable thereto respectively.

A.D. 1879.

Provision for payment of balance of grand jury cess.

2. From and after such transfer the secretary of the grand jury of each of the counties of Tipperary and Waterford shall immediately after the Spring and Summer Assizes in every year furnish to the said Corporation a certificate in writing signed by him of the amount of the balance (if any) of grand jury cess to which the portions of the said borough within the said counties shall continue liable after such transfer as aforesaid.

The amount thus to be certified shall be ascertained as follows:

There shall be included therein in respect of presentments affecting the county of Waterford or south riding of Tipperary at large a sum bearing the same proportion to the whole amount of the presentment as the valuation for the purposes of grand jury cess of the part of the borough contained in the county or riding bears to the valuation for the purpose of the grand jury cess of the whole of the county or south riding.

There shall also be included therein in respect of presentments affecting a barony or part of a barony containing a part of the said borough a sum bearing the same proportion to the whole amount of the presentment as the valuation for the purpose of grand jury cess of the part of the borough contained in such barony or part of a barony bears to the valuation for the purposes of grand jury cess of the barony or part of a barony liable to the presentment. The amount of the sum to be certified by the secretary of the grand jury as aforesaid shall be the total amount of the sums aforesaid and of the moneys herein-after mentioned.

The Corporation shall, within thirty days after the delivery of such certificate, lodge in the bank of the banking company appointed to act as treasurer of the county, in pursuance of the provisions of the Act of the session of Parliament held in the 30th and 31st years of the reign of Her present Majesty, chapter 46, the amount of such certificate on the receipt of the officer of the banking company authorised to give receipts by the said Act, and in the form prescribed by the said Act; and such receipt shall be a sufficient discharge to the Corporation for the payment of the amount of such certificate.

Powers to traverse.

3. In the case of any presentment to which, if fiated, the Corporation shall be bound to contribute under the provisions herein-before contained, the Corporation may traverse such presentment, and such traverse shall be dealt with and tried in all respects in the same manner as other traverses of presentments.

Provisions for the event of default of payment by the Corporation.

4. If at any time the Corporation shall fail to lodge, within the time herein-before specified, the amount of the certificate of the secretary of the grand jury, the liability of the owners and occupiers of premises within the said borough to pay grand jury cess shall be revived to the extent necessary for the purpose of levying the amount of the certificate

and such owners and occupiers shall be liable to pay grand jury cess in respect of the presentments included in the certificate; and such payments may be enforced in the same manner in every respect as if this Order had not been made.

Provision as to arrears of grand jury cess, and as to pending contracts.

5. This Order shall not in any way affect the levying and the enforcement of the payment of arrears, if any, of grand jury cess due at the time of the confirmation of this Order. And in cases of contracts for works to be done within the said borough entered into before the confirmation of this Order, and then wholly or partly unperformed, such contracts may be performed and carried out in all respects as if this Order had not been made; and the amounts payable to contractors under such contracts shall be from time to time added to the amount of the certificate of the secretary of the grand jury, and shall be paid and levied in all respects in the manner herein-before provided in respect to the sums to be included in the amount of such certificate.

Provision as to the towing-path along the river.

6. From and after the confirmation of this Order (but subject to the provisions herein-before contained as to the contracts in force at the time of such confirmation), the cost of maintaining the towing-path and trackway along the River Suir from Clonmel to Carrick-on-Suir shall be defrayed as follows:—The portion of the said towing-path and trackway within the said borough shall be maintained by the said Corporation, and the said Corporation shall pay one-fifth of the amount required for maintaining the parts of the said trackway lying outside the said borough, and the amount of such one-fifth shall be included in the certificate herein-before mentioned of the secretary of the grand jury of the south riding of Tipperary, and shall be paid and levied accordingly.

Provision as the expenses of the Corporation to be incurred in carrying out this Order.

7. The expenses to be incurred by the said Corporation in executing the powers and making the payments herein-before mentioned shall be defrayed by the Corporation from time to time out of the borough fund, and, if necessary, out of the borough rate, and the amount of such expenses and payments shall from time to time be added to the estimates of expenses made by the council of the said borough, in pursuance of the provisions of the Act of the Session of Parliament held in the 3rd and 4th years of the reign of Her present Majesty, chapter 108, section 133, and such expenses shall be raised and levied in the manner provided by that Act as amended by the 3 & 4 Victoria, chapter 109, and the 6 & 7 Victoria, chapter 93.

Provision as to increased rating power.

8. If at any time the maximum amount of the borough rate which the said Corporation are now authorised to levy shall not be sufficient to provide for the execution of the works and the making of the payments herein-before mentioned,

It shall be lawful for the said Corporation, in addition to such rate, to raise and levy as a part of the borough rate such sum or sums as may from time to time be required for the purposes aforesaid, and the maximum amount of the borough rate shall for the time being and for

A.D. 1879.

the purposes aforesaid be increased to the amount required for such purposes.

Given under our hands and seal of office, this Twenty-ninth day of November, one thousand eight hundred and seventy-eight.

(Signed) A. POWER.
R. M. BELLEW.
CHARLES CROKER-KING.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF DUNDALK.

Provisional Order.

WHEREAS it appears to the Town Commissioners of the town of Dundalk, in the county of Louth, elected and acting under the provisions of "The Towns Improvement (Ireland) Act, 1854," to be desirable that provision should be made to transfer from the grand jury of the said county to the said Town Commissioners the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within such town, vested in the said grand jury under any Act or Acts; and to prevent such grand jury, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such town; and to provide for the due payment of the balance of the grand jury cess to which such town will then in future be liable; and to authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the said Town Commissioners, to enable them to defray the expenses consequent upon and incident to such transfer:

And whereas the said Town Commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of "The Local Government (Ireland) Act, 1871," section 5, and of "The Local Government Board (Ireland) Act, 1872," praying for such transfer and provisions:

And whereas an inquiry has been directed by the Local Government Board for Ireland, and held within the said town, in pursuance of the provisions of the said Acts, as to the genuineness of the said petition and in respect to the several matters mentioned therein:

It is ordered by the Local Government Board for Ireland as follows:—

Transfer of powers from the grand jury to the Town Commissioners.

1. From and after the time when this Order shall be confirmed by Act of Parliament, all jurisdictions, power, and authority with respect to roads, bridges, footpaths, and public works within the boundaries of the said town of Dundalk, as defined in pursuance of the provisions of "The Towns Improvement (Ireland) Act, 1854," now vested in the grand jury of the county of Louth under any Act or Acts, shall be transferred to and vest in the Town Commissioners of the said town elected and

acting under the provisions of the said Act of 1854. And after such transfer it shall not be lawful for the grand jury of the county of Louth to make any presentment with regard to any road, bridge, footpath, or other public work within such town, except any public work which may concern the county at large, and be chargeable thereto; nor shall lands or premises within such town be liable to grand jury cess in respect of any baronial presentment.

Provision as to existing contracts.

2. Nothing contained in this Order shall affect the performance of any contract for the execution of any public work within the said town in force and unperformed at the time of the making of this Order. All such contracts shall be executed and carried out in all respects, and all moneys payable in respect of such contracts shall be raised, levied, and paid in the same manner as if this Order had not been made.

Provision for payment of balance of grand jury cess.

3. The secretary of the Grand Jury of the county Louth shall, immediately after each Assizes, furnish to the clerk of the said Town Commissioners a certificate in writing, signed by the said secretary, stating in detail the sums to which the said town is liable in respect to presentments on the county at large, and the balance of Grand Jury Cess to which the said town is liable. And the said Town Commissioners shall, within thirty days after the delivery of such certificate, lodge the amount so certified in the bank of the banking company acting as treasurer of the said county, in pursuance of the provisions of the 30th and 31st Victoria, chapter 46; and the receipt of the officer of such banking company, given in pursuance of the said Act, shall be a sufficient discharge to the said Town Commissioners for the payment of such balance of county cess. And in case the Town Commissioners shall fail to lodge such balance within the time aforesaid, such balance of county cess shall be raiseable and leviable in all respects as if this Order had not been made.

Power to traverse presentment.

4. In the case of any presentment subject to be traversed to which, if fiated, the said town will be liable to contribute under the provisions hereinbefore contained, it shall be lawful for the Town Commissioners by their clerk to traverse such presentment, and such traverse shall be tried and disposed of in all respects as traverses of presentments are now tried and disposed of at the Assizes.

Increase of rating powers.

5. In order to enable the said Town Commissioners to defray the expenses consequent upon and incident to the transfer to them of the powers aforesaid of the grand jury of the county of Louth, it shall be lawful for the said Town Commissioners, and they are hereby empowered, to assess, levy, and raise in each year after this Order shall have been confirmed by Act of Parliament, in addition to the general assessment rate which they are now authorised to raise and levy, a rate not exceeding two shillings in the pound of the rateable value of rateable premises within the said town, which additional rate shall be levied along with such general assessment rate, and shall be (for the purposes of being assessed, raised, and levied) an addition to such general assessment rate; and

A.D. 1879.

such increased rate shall be assessed, payable, and levied in the like manner in all respects as such general assessment rate is now assessed, payable, and levied.

Short title of Order.

6. This Order may be cited and referred to for all purposes as "The Town of Dundalk Provisional Order, 1878."

Given under our hands and seal of office, this Seventeenth day of July, one thousand eight hundred and seventy-eight.

(Signed) A. POWER.
CHARLES CROKER-KING.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

CLONMEL BURIAL GROUND.

Provisional Order.

WHEREAS the mayor, aldermen, and burgesses of the borough of Clonmel, being the Sanitary Authority and Burial Board of the Urban Sanitary District consisting of the said borough, have resolved, at a special meeting duly summoned for that purpose, to provide a new burial ground for the said district, and are desirous to purchase and take certain lands, herein-after described, for the purpose of providing such burial ground:

And whereas plans of the said undertaking and lands (herein-after referred to as the deposited plans) have been deposited at the office of John Thomas Luther, Prince Edward's Place, Clonmel, the town clerk of the said borough, within the said district, and at the office of the Local Government Board for Ireland in Dublin:

And whereas the notices required by the statutes in that behalf having been previously duly served and published, the said Burial Board have presented a petition under their seal to the Local Government Board for Ireland, praying that said Burial Board may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands included in the said plans:

And whereas the Local Government Board having directed a local inquiry as to the propriety of assenting to the prayer of the said petition, and such inquiry having been made, it appears to the Local Government Board for Ireland to be proper to assent to the prayer of the said petition with respect to a certain portion only (hereafter particularly described) of the lands comprised in the said deposited plans:

It is ordered by the Local Government Board for Ireland as follows:—

Compulsory powers to take land.

1. From and after the time when this Order shall be confirmed by Act of Parliament, it shall be lawful for the mayor, aldermen, and burgesses of the borough of Clonmel, acting as the Burial Board of said borough, and they are hereby empowered, to put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands

otherwise than by agreement in respect of the lands and premises following (being a part of the lands and premises comprised in the said deposited plans); that is to say, all that and those that part of the lands of Moanmeghill, otherwise Moanmehill, situate in the parish of Kilgrant, barony of Iffa and Offa east, and county of Tipperary, containing eight acres statute measure. A.D. 1879.

2. The powers of compulsory purchase conferred by this Order may be exercised at any time or times within five years after the confirmation of this Order by Act of Parliament, but not afterwards. Limit of compulsory powers.

3. The word "lands" in this Order has the same meaning as the word lands as used in the 202nd and 203rd sections of "The Public Health (Ireland) Act, 1878;" the expression "Lands Clauses Acts" in this Order means and includes the several Acts of Parliament meant by and included by the same expression in "The Public Health (Ireland) Act, 1878," and also the said "Public Health (Ireland) Act, 1878." Interpretation of terms.

4. This Order may be cited and referred to for all purposes as "The Clonmel Burial Ground Provisional Order, 1879." Short title.

Given under our hands and seal of office, this Nineteenth day of March, one thousand eight hundred and seventy-nine.

(Signed) A. Power.
R. M. Bellew.
Charles Croker-King.

The Local Government Board for Ireland.

KEADY WATERWORKS.

Provisional Order.

WHEREAS by "The Keady Waterworks Provisional Order, 1876," confirmed by "The Local Government Board (Ireland) Provisional Orders (Coleraine, &c. Waterworks) Confirmation Act, 1876," the guardians of the poor of the Armagh Union, being the Rural Sanitary Authority of the rural sanitary district consisting of the Armagh Union, wherein the said town of Keady is situate, were empowered to put in force the provisions of "The Lands Clauses Acts," with respect to the purchase and taking of lands otherwise than by agreement, in reference to a certain field, garden, and millpond situated in the townland of Crossdened, parish of Keady, barony of Armagh, and county of Armagh, containing about one statute acre of land, with wayleave for pipes through twenty perches, and so much of the water flowing through a certain mill-race or stream flowing from Clay Lake as should be required for the purpose of providing a supply of water to the said town of Keady and to a certain adjoining district therein described: 39 & 40 Vict. c. clxii.

And whereas the guardians of the poor of the Armagh Union, as such Rural Sanitary Authority as aforesaid, have presented a petition to the Local Government Board for Ireland, stating that the lands mentioned in the said Provisional

A.D. 1879.

Order have been purchased and possession thereof obtained by them, and that waterworks have been constructed thereon, but that the petitioners have not yet purchased or taken the supply of water required therefor, and further stating that the petitioners took the necessary preliminary steps in order to purchase and take water from the said mill-race or stream flowing from the said Clay Lake, and that John Rynd, Esq., J.P., was duly appointed arbitrator to hear the claims for compensation:

That claims for compensation for injury caused by the taking of such water were made by millowners on the said stream and also on the River Callan into which the said stream flows, amounting in the aggregate to the sum of 14,321*l.* 2*s.* 6*d.*:

That the said John Rynd heard the said claims, but died before making any award thereon:

That the petitioners had been advised and believed that it will be a saving of much expense to compensate said millowners and all other persons affected by the taking of the water required by the said waterworks by means of increasing the storage capacity of the lakes named "Clay" and "Gentle Owens," lakes out of which the said stream issues, and procuring an additional supply of water to said lakes, and thus providing a supply of water equal to the quantity of water required for said waterworks instead of compensating said millowners by the payment to them of such sums of money as might be awarded, and that in order to provide such increased supply of water it was proposed by the petitioners to execute certain works described in the said petition, and that in order to enable the petitioners to carry out the said works it is necessary to obtain lands, liberty, and right to enter upon lands and to take water, and for these purposes it is necessary that the petitioners should be empowered to put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement in respect of the lands and premises therein and herein-after mentioned; and praying, amongst other matters, that the petitioners may be empowered to put in force the said compulsory powers of purchasing with reference to the said lands and premises:

And whereas plans of the proposed works, showing the lands and premises proposed to be taken for the purposes aforesaid (herein-after referred to as the deposited plans), have been deposited at the office of the Clerk of Petty Sessions at Keady aforesaid, and at the office of the Clerk of the Union at the workhouse, Armagh, and at the office of the Local Government Board for Ireland in Dublin:

And whereas all notices and advertisements required by the several enactments in that behalf having been served and published, an inquiry has been held in the said district on behalf of the Local Government Board for Ireland as to the genuineness of the said petition and the propriety of assenting to the prayer thereof:

And it appears to the said Board to be proper to make this Provisional Order in respect to the matters aforesaid:

A.D. 1879.

It is ordered by the Local Government Board for Ireland as follows :—

Short title.

1. This Order may be cited and referred to for all purposes as "The Keady Waterworks Provisional Order, 1879."

Power to take lands otherwise than by agreement.

2. From and after the time when this Order shall be confirmed by Act of Parliament it shall be lawful for the guardians of the poor of the Armagh Union, and they are hereby empowered (for the purpose of executing the proposed works herein-before mentioned), to put in force the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands and premises following; that is to say, eight acres one rood and thirty perches, statute measure, or thereabouts, of land situate in the townlands of Crossdened, Cargaclogher and Racarbery, Clay, and Tievenamara, in the parish of Keady, and in the baronies of Armagh and Tiranny and county of Armagh, and all springs rising within and streams of water flowing into or through the said lands, or any part thereof, which said lands and premises are delineated and described in the said deposited plans.

Limit of time for exercise of compulsory powers.

3. The compulsory powers of purchasing conferred by this Order shall be exercised within five years after the confirmation of this Order by Act of Parliament, and not afterwards.

4. The compulsory powers of purchasing conferred by this Order shall be in addition to the powers conferred by "The Keady Waterworks Provisional Order, 1876," and this Order shall be deemed to be an amendment of the said Provisional Order.

Interpretation of terms.

5. In this Order the expression "Lands Clauses Acts" means and includes "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Public Health (Ireland) Act, 1878."

Given under our hands and seal of office, this Fourth day of March, one thousand eight hundred and seventy-nine.

(Signed) A. Power.
R. M. Bellew.
Charles Croker-King.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1879.