CHAPTER lxv.

An Act to confirm Provisional Orders of the Local Government Board for Ireland relating to the towns of Ballina and Lurgan. [3rd July 1882.]

A.D. 1882.

WHEREAS the Local Government Board for Ireland have, as regards the towns of Ballina and Lurgan, 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. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Ballina and Lurgan) Act, 1882. Short title.

A.D. 1882.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BALLINA WATERWORKS.

Provisional Order.

WHEREAS the Guardians of the Poor of the Ballina Union, being the Sanitary Authority of the Rural Sanitary District consisting of the said union and including the town of Ballina, are about to construct waterworks for the purpose of supplying the said town with water for drinking and domestic purposes:

41 & 42 Vict. c. 52. ss. 202. & 203.

And whereas the said Sanitary Authority, on the 19th of February 1881, presented a petition to the Local Government Board for Ireland, praying that they, as such Sanitary Authority, might 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 certain lands and premises required for the purposes of the said works:

And whereas the said Sanitary Authority, along with the said petition, deposited in the Office of the Local Government Board for Ireland, in Dublin, plans and a book of reference referring thereto (herein-after referred to as the deposited plans and book of reference No. 1), showing the works intended to be executed, and the lands and premises required for the purposes of the said works:

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, with the exception of the notice which should have been served on the owner of a field in the townland of Ballina, described as the property of Robert Paget Bourke, Esq., which was intended to be and as the site of a storage reservoir, and is referred to in the said deposited plans and book of reference No. 1 as No. 12, the Local Government Board for Ireland caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition. And it appeared to the said Board to be proper to assent thereto, except so far as it referred to the said field No. 12:

And whereas the said Sanitary Authority, on the 28th January 1882, presented a further petition to the Local Government Board for Ireland, praying that they may be allowed to put in force the said powers of the Lands Clauses Acts with reference to certain land to be used as the site of a storage reservoir in connexion with the said waterworks in lieu of the field referred to as No. 12 in said deposited plans and book of reference No. 1; and the

said Sanitary Authority have deposited in the Office of the Local Government Board for Ireland, in Dublin, a plan and book of reference referring thereto (herein-after referred to as the deposited plan and book of reference No. 2) showing the said lands required for the said substituted site of a storage reservoir:

And whereas all notices and advertisements required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board for Ireland have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said last-mentioned petition, and it appears to the said Board to be proper to assent thereto:

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

Compulsory powers to take lands, easements, and water.

1. From and after the time of the confirmation of this Order by Parliament, the Guardians of the Poor of the Ballina Union, acting as a Rural Sanitary Authority, shall 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 with reference to all the lands, lands covered with water, rights to take and convey water, and easements described in the said deposited plans and book of reference No. 1 (excepting the said field the property of the said Robert Paget Bourke and No. 12 in the said deposited plans and book of reference No. 1), and also with reference to the said land described in the said deposited plans and book of reference No. 2.

Interpretation of terms.

2. In this Order the expression "Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act. And the words "land" and "lands" in the said Acts shall (for the purposes of this Order) extend to and include messuages, buildings, lands, and easements, and also water, lands covered with water, and rights to take and convey water.

Duration of Order.

3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.

Short title of Order.

4. This Order may be cited and referred to for all purposes as the Ballina Waterworks Provisional Order, 1882.

Sealed with our seal, this sixteenth day of May, in the year of our Lord one thousand eight hundred and eighty-two.

(Signed) Henry Robinson.
Charles Croker King.
George Morris.

A.D. 1882.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF LURGAN.

Provisional Order.

17 & 18 Vict., c. 103.

WHEREAS the Towns Improvement (Ireland) Act, 1854, has been adopted and is in force in the town of Lurgan, situated in the barony of Oneiland East, in the county of Armagh:

41 & 42 Vict., c. 52, s. 4.

42 & 43 Vict., c. 57, s. 3.

And whereas the population of the said town, according to the last Parliamentary census, exceeds six thousand, and the Town Commissioners of the said town, elected and acting under the provisions of the said Act of 1854, constitute the Sanitary Authority of the Urban Sanitary District consisting of the said town, and are incorporated for the purposes of the Public Health (Ireland) Act, 1878, under the title of the Sanitary Authority of the town of Lurgan:

41 & 42 Vict., c. 52, s. 206.

And whereas the said Sanitary Authority have applied to the Local Government Board for Ireland, to transfer from the grand jury of the county of Armagh to the said Sanitary Authority, the jurisdiction, power, and authority, with respect to roads, bridges, footpaths, and public works within the town of Lurgan, vested in such grand jury:

And whereas the said grand jury by presentment made the 12th day of July 1881, have consented to such transfer on the terms that the said Sanitary Authority shall contribute in each year to the cost of making and maintaining the roads, bridges, and footpaths in the portion of the barony of Oneiland East, lying outside the said sanitary district, the sum of 100*l*, and shall also pay their proportion of the charge for the maintenance of the Upper Bann Navigation, together with the county at large charges:

41 & 42 Vict., c. 52, s. 214.

And whereas all notices and advertisements required by the Public Health (Ireland) Act, 1878, having been previously duly served, given, and published, the Local Government Board for Ireland have caused to be made a local inquiry in pursuance of the provisions of the said Act:

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

Transfer of powers of the grand jury to the Sanitary Authority.

1. From the time of the confirmation of this Order by Act of Parliament, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said town of Lurgan (except public works concerning and chargeable on the county of Armagh at large) vested in the grand jury of the county of Armagh under any Act or Acts, shall be transferred from the said grand jury to the said Sanitary Authority of the town of Lurgan. After such transfer it shall not be lawful for the said grand jury to make any presentment with regard to any road, bridge, footpath, or public work within the said town (except public works chargeable on the said county at large), and lands and premises within the said town shall not be liable to any grand jury cess in respect of any baronial presentment for roads, bridges, or other public works.

Provision for payment of the balance of grand jury

2. From the time of such transfer, the secretary of the grand jury of the county of Armagh shall, immediately after each assizes, furnish to the said Sanitary Authority a certificate in writing signed by him, stating the balance of

grand jury cess to which said sanitary district is liable in respect of presentments chargeable on the county of Armagh at large fiated at such assizes. And the said Sanitary Authority shall, within thirty days after the delivery of such certificates, pay into the office of the treasurer of the said county, or lodge in the bank of the banking company appointed to act as treasurer of the said county in pursuance of the provisions of the 30th and 31st Victoria, chapter 46, the amount certified as aforesaid, and the receipt of the treasurer for such payment, or 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, shall be a sufficient discharge to the said Sanitary Authority for the payment of the amount of such certificate.

Cess to which the district remains liable.

3. The said Sanitary Authority shall, in each year after the confirmation of this Order by Parliament, contribute the sum of 100*l.* to the cost of making and maintaining the roads, bridges, and footpaths in the portion of the barony of Oneiland East lying outside the said sanitary district; the said sum of 100*l.* shall be paid by the said Sanitary Authority within thirty days after the last day of the summer assizes in each year, into the office of the treasurer of the county of Armagh, or into the bank of the banking company appointed to act as treasurer of the said county, and the receipt of the said treasurer or of the officer of the said banking company authorised to give receipts by the provisions of the 30th and 31st Victoria, chapter 46, shall be a sufficient discharge to the Sanitary Authority for such payment.

Provision for contribution to expenses of roads in the barony of Oneiland East

4. In case of any presentment to which, if fiated, the said sanitary authority shall be bound to contribute under the provisions herein-before contained, and also in all cases of presentments made for making or maintaining roads, bridges, or footpaths in the part of the said barony of Oneiland lying outside the said sanitary district, the said Sanitary Authority may traverse such presentment at the assizes, and such traverse shall be dealt with and tried in all respects in the same manner as other traverses or presentments.

Provision for traversing presentments.

5. This Order shall not in any way affect the levying and enforcing payment of arrears (if any) of grand jury cess due at the time of the confirmation of this Order. Contracts for works to be done within the said sanitary district entered into before the confirmation of this Order, and wholly or partly unperformed at the time of such confirmation, may be performed and carried out in all respects as if this Order had not been confirmed, and the amounts payable in respect of such contracts shall in each year be added to the amount of the certificate furnished by the secretary of the grand jury to the Sanitary Authority in pursuance of clause 2 of this Order, and shall be paid by the Sanitary Authority in the manner thereby provided for the payment of the amount of such certificates.

Provision as to arrears of grand jury cess and unperformed contracts.

6. The expenses incurred by the said Sanitary Authority in exercising the power, jurisdiction, and authority transferred to them by this Order, and in making the payments herein-before mentioned, shall be defrayed by the said Sanitary Authority by means of a rate to be assessed and made payable in the

As to payment of expenses to be incurred in executing this Order.

A.D. 1882.

manner provided by the 60th section of the Towns Improvement (Ireland) Act, 1854, with respect to general assessments, provided that such assessment shall not in any year exceed the rate of two shillings in the pound, and shall be leviable along with the town rates, and shall be (for the purpose of being assessed, raised, and levied) an addition to such town rate, and such increased rate shall be assessed, raised, payable, and levied in the like manner in all respects as such town rate is now assessed, payable, and levied.

As to Upper Bann Navigation.

7. After the confirmation of this Order by Act of Parliament, the secretary of the grand jury of the county of Armagh shall from time to time furnish to the Sanitary Authority a certificate, signed by him, of the sums which the said grand jury are required to present in pursuance of the district of Lough Neagh Drainage Award of the 18th February, 1859, to be levied in respect of lands and premises in the said town of Lurgan, whereupon the said Sanitary Authority shall pay the amount of such certificate to the treasurer of the said county, or into the bank of the banking company appointed to act as treasurer of the said county, along with the amounts so from time to time to be paid or lodged in respect of presentments affecting the said county at large, whereupon the amount so paid or lodged shall be paid over and applied to the same persons, and in the same manner as the amount so required to be presented by the said Award should have been paid and applied if this Order had not been made, and such sum so paid or lodged shall be deemed to be in lieu of and in substitution for the sums so from time to time required to be presented.

Short title of Order.

8. This Order may be cited and referred to for all purposes as the Lurgan Town Provisional Order, 1882.

Given under our hands and seal of office this third day of April one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.

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Printers to the Queen's most Excellent Majesty. 1882.