CHAPTER xcviii.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Cootehill, Kildare, and Thurles. [22nd July 1885.]

A.D. 1885.

WHEREAS the Local Government Board for Ireland have, as regards the above-named places, 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:

The Provisional Orders in Schedule confirmed.

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.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Cootehill, Kildare, and Thurles) Act, 1885.

A.D. 1885.

Cootehill.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF COOTEHILL.

Provisional Order.

WHEREAS there are in the town of Cootehill, in the county of Cavan, Town Commissioners under the Towns Improvement (Ireland) Act, 1854.

17 & 18 Vict. c. 103.

And whereas the population of the said town, according to the last parliamentary census, is less than six thousand, and the said town is situated within and forms part of the rural sanitary district consisting of the Cootehill Poor Law Union.

And whereas the said Town Commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, section 7, praying that the said town may be separated from the said rural sanitary district, and constituted an urban sanitary district:

41 & 42 Vict. c. 52. s. 7.

And whereas all advertisements and notices required by the said Act, relating to such separation, have been duly published, served, and given, and no objection has been made to such separation:

And whereas the Guardians of the Poor of the Cootehill Union have by an Order, duly made at a meeting held on the 12th September, 1884, ordered that they would offer no opposition to such separation:

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

Constitution of urban sanitary district.

1. From and after the confirmation of this Order by Parliament the said town of Cootehill shall be separated from the rural sanitary district consisting of the Cootehill Poor Law Union, and shall be constituted an urban sanitary district, subject to all the provisions of the Public Health (Ireland) Act, 1878, and of the Public Health (Ireland) Amendment Act, 1879, affecting urban sanitary districts.

41 & 42 Vict. c. 52.
42 & 43 Vict. c. 57.

Short title of Order.

2. This Order may be cited and referred to for all purposes as the Cootehill Provisional Order, 1884.

Given under our hands and seal of office this fourth day of November, in the year of our Lord one thousand eight hundred and eighty-four.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.
GEORGE MORRIS.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

A.D. 1885.

Kildare.

KILDARE WATERWORKS.

Provisional Order.

WHEREAS the town of Kildare is part of the rural sanitary district consisting of the Naas Poor Law Union, and the guardians of the poor of the said union, being the rural sanitary authority of the said district, are about to construct waterworks for the purpose of supplying the said town of Kildare with water for drinking and domestic purposes, and have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of the Public Health (Ireland) Act, 1878, praying that they may be empowered to put in force the powers of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement, for the purposes of the said works :

41 & 42 Vict. c. 52. ss. 6, 61, 202, and 203.

And whereas the said petitioners have deposited, at the office of the Local Government Board for Ireland in Dublin, plans, sections, and a book of reference, herein-after referred to as the deposited plans, sections, and book of reference, showing the works intended to be executed, and the lands, easements, lands covered with water, and rights to take and convey water required for the purposes aforesaid :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously published, served, and given, the said Board have caused a local inquiry to be held as to the propriety of assenting to the prayer of the said 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 Naas Union, acting as the sanitary authority of the rural sanitary district consisting of the said union, shall be empowered 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, easements, land covered with water, water, and rights to take and convey water, described and shown in the said deposited plans, sections, and book of reference.

Interpretation of terms.

2. In this Order the expression "the 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), 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, easements, and hereditaments of any tenure, and also to lands covered with water, water, and rights to take and convey water.

Duration of compulsory power of purchase conferred by this Order.

3. The power 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.

Kildare.

Short title of Order.

4. This Order may be cited and referred to for all purposes as the Kildare Waterworks Provisional Order, 1885.

Given under our hands and seal of office this twenty-sixth day of March in the year of our Lord one thousand eight hundred and eighty-five.

(Signed) HENRY ROBINSON.
GEORGE MORRIS.

Thurles.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF THURLES.

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 Thurles, situate in the barony of Eliogarty, in the north riding of the county of Tipperary.

And whereas the number of the inhabitants of the said town, according to the last parliamentary census, being less than 6,000, the said town was separated from the rural sanitary district consisting of the Thurles Poor Law Union, and constituted an urban sanitary district by the Town of Thurles Provisional Order, 1879, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Banbridge, &c.) Act, 1880, and the Town Commissioners of the said town, elected and acting in pursuance of the said Towns Improvement (Ireland) Act, 1854, are 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 Thurles :

43 & 44 Vict. c. 11.
17 & 18 Vict. c. 103.
41 & 42 Vict. c. 52. s. 4.
42 & 43 Vict. c. 57. s. 2.

And whereas the said sanitary authority have made an application to the Local Government Board for Ireland to transfer from the grand jury of the north riding of Tipperary to the said sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said town vested in the said grand jury under any Act or Acts, and for other purposes relating to such transfer :

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

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 :

And whereas the grand jury of the north riding of Tipperary have by presentment dated the 3rd day of March, 1885, consented to the making of this Order :

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

Transfer of power of grand jury to sanitary authority.

1. From the time of the confirmation of this Order by Parliament all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said town of Thurles (except public works charge-

able on the north riding of Tipperary at large), vested in the grand jury of the north riding of Tipperary under any Act or Acts, shall be transferred from the said grand jury to the said sanitary authority of the town of Thurles. After such transfer it shall not be lawful for such 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 north riding at large; and lands and premises within the said town shall not be liable to grand jury cess.

Contribution of urban district to expenses of public works chargeable on the North Riding of Tipperary at large.

2. From and after the time of the confirmation of this Order by Parliament the sanitary authority shall contribute to the expenses of public works chargeable upon the north riding of the county of Tipperary at large, in the following manner:—From the total amount of such presentments at each assizes shall be deducted the amount received since the last preceding assizes by the treasurer of the said north riding in respect of surplus moneys arising from the sale of licences under the Dogs Regulation (Ireland) Act, 1865. A sum shall then be ascertained bearing the same proportion to the amount of such presentment after such deduction as the valuation of the said town bears to the whole valuation of the said north riding, including the said town. From the sum thus ascertained shall be deducted one-half of the moneys expended by the sanitary authority since the last preceding assizes on making or repairing roads within the said town on which Her Majesty's mails are or shall be carried in mail carriages, and the sum remaining after such deduction shall constitute the contribution of the said sanitary authority to presentments for public works chargeable upon the said north riding of Tipperary at large.

3. After the time of the confirmation of this Order by Parliament the secretary of the grand jury of the north riding of Tipperary shall, immediately after each assizes, furnish to the said sanitary authority a certificate in writing signed by him stating the amount which the said sanitary authority is liable to contribute to the sums presented for payment at such assizes, calculated in the manner herein-before mentioned; and the said sanitary authority shall, within thirty days after such certificate shall have been furnished to them, lodge in the bank of the banking company appointed to act as treasurer for the said north riding of Tipperary, in pursuance of the 30th and 31st Victoria, chapter 46, the amount certified as aforesaid by the secretary of the said grand jury; and the receipt of the officer of the banking company authorised to give receipts by the said Act, and in the form thereby prescribed, shall be a sufficient discharge to the said sanitary authority for such payment.

On default of the sanitary authority to contribute to public works, the liability of owners and occupiers of premises within the

If at any time the said sanitary authority shall fail to lodge, within the time herein-before specified, the amount mentioned in such certificate of the secretary of the grand jury, in the manner herein-before provided, the liability of owners and occupiers of lands and premises within the said sanitary district to pay grand jury cess shall be revived to the extent necessary for the purpose of levying the amount of such certificate, and

Thurles.

town to payment of grand jury cess to be revived.

the payment of grand jury cess for such purpose may be enforced in all respects in the same manner as if this Order had not been made.

Power of sanitary authority to traverse presentments.

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

Provision for levying arrears of grand jury cess, and for executing pending contracts.

6. 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. And in cases of contracts for works to be executed within the said sanitary district 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 in the same manner as if this Order had not been confirmed, and the amount payable to contractors or others in pursuance of such contracts shall, at each assizes, be added to and included in the amount mentioned in the certificate furnished by the secretary of the grand jury, in pursuance of clause 3 of this Order, and shall be paid accordingly by the said sanitary authority.

Provision for the expenses of executing this Order.

7. The expenses to be incurred by the sanitary authority in exercising the powers, jurisdiction, and authority transferred to them by this Order, and in making the several payments herein-before mentioned, shall be defrayed by them out of and by means of a rate to be assessed, made payable and levied in the same manner in all respects as the rate leviable by the said Town Commissioners, in pursuance o section 60 of the Towns Improvement (Ireland) Act, 1854, but not to exceed the rate of three shillings in the pound.

Short title of Order.

8. This Order may be cited and referred to for all purposes as the Thurles Town Provisional Order, 1885.

Given under our hands and seal of office this fourteenth day of March, in the year of our Lord one thousand eight hundred and eighty-five.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.
GEORGE MORRIS.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1885.