CHAPTER lxxxv.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to new Streets in the City of Dublin, and to the Town of Dungarvan, and to Waterworks in Buncrana. [3rd July 1884.]

A.D. 1884.

WHEREAS the Local Government Board for Ireland have, as regards the city and towns above 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. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Dublin City, &c.) Act, 1884. Short title.

A.D. 1884.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

CITY OF DUBLIN.

Provisional Order.

WHEREAS the Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin, acting by the town council (herein-after called the Corporation), being the urban sanitary authority of the urban sanitary district, consisting of the city of Dublin, are about to widen Francis Street, in the said city, for a distance of 185 feet or thereabouts, from Thomas Street, in the said city, and are also, with the sanction of the Local Government Board for Ireland (herein-after called the Local Government Board), about to make a new street, leading from Ellis Quay to Blackhall Place, in the said city:

41 & 42 Vict. c. 52, ss. 38, 202, and 203.

And whereas the Corporation have presented petitions to the Local Government Board in pursuance of the provisions of the Public Health (Ireland) Act, 1878, praying that they may be allowed to put in force the powers of the Lands Clauses Acts, with respect to the purchase and taking of land otherwise than by agreement, with reference to certain lands and premises required for the purpose of the said widening of Francis Street and making the said new street; and whereas the Corporation have deposited in the office of the Local Government Board in Dublin plans and books of reference thereto (herein-after called the deposited plans and books of reference), showing the lands and premises required for the purposes aforesaid:

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

Compulsory powers of taking land.

1. From and after the time of the confirmation of this Order by Act of Parliament, the Corporation 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 and premises described in the said deposited plans and books 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 Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act.

3. The compulsory powers of purchasing and taking land given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Act of Parliament. Duration of Order.

4. This Order may be cited and referred to for all purposes as the "Dublin (New Street) Provisional Order, 1884." Short title of Order.

Given under our hands and seal of office, this fifth day of May, 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.

DUNGARVAN TOWN.

Provisional Order.

WHEREAS by "The Dungarvan Harbour, Markets, and Improvement Act, 1863" (herein-after called the Act of 1863) it was amongst other things enacted that, from and after the passing of the Act, the powers then vested in the grand jury of the county of Waterford of making or repairing roads and bridges in the said town should (as regards the exercise of such power by the said grand jury) cease and determine, and the same should be transferred to and vested in the Town Commissioners of Dungarvan, acting under the authority of the "Towns Improvement (Ireland) Act, 1854" (herein-after called the Commissioners), and that the Commissioners in that behalf should and might exercise such power as fully and with the same rights and authority as the grand jury, with or without the sanction of presentment sessions, might or could have done, but for the passing of the said Act. 26 Vict. c. 40, s. 32.

And whereas by the said Act of 1863 it is further enacted that, save as therein-after is expressly provided, the power of levying rates and cesses for the making and maintaining of the roads and bridges within the town should, as regards the exercise of such power by the grand jury, cease and determine from and after the commencement of the said Act, and that the cost of making and maintaining such roads and bridges should thenceforth be chargeable on the said town as therein-after provided: s. 33.

And whereas it is further enacted by the said Act that after the commencement of the said Act it should not be lawful for the said grand jury to present for the making or maintaining of any road, bridge, or public work within the said town, and that the said town should be released from all liability whatsoever to the payment of any rate or cess for the making or maintaining any other roads or bridges in the barony of Decies-without-Drum, except in cases in which the cost of making and maintaining roads and bridges was or might be chargeable upon the county at large, in which cases the said town should be liable (as therein-after provided) to its proper proportions of such charges. s. 34.

And whereas the said Act of 1863 also contains provisions enabling the ss. 35, 36, and 37.

A.D. 1884.

Commissioners to levy an equal rate, called "The Dungarvan Road Rate," to be applied in the manner thereby provided:

And whereas the Commissioners have applied to the Local Government Board for Ireland (herein-after called the Local Government Board), in pursuance of the provisions of the "Public Health (Ireland) Act 1878," to make a Provisional Order to alter and amend the said Act of 1863 by excluding certain roads within the said town from the operation of the said enactments of the said Act of 1863, and of re-transferring to the said grand jury the power of making and maintaining the said roads, and of making presentments in respect thereof.

And whereas the Commissioners have deposited in the Office of the Local Government Board in Dublin a map showing the portions of the said town containing the roads thus proposed to be in future maintained by the grand jury, which said map is herein-after referred to as the deposited map.

And whereas, all advertisements and notices required by the said Act of 1878 having been previously given and published, the Local Government Board have caused a local inquiry to be made as to the propriety of assenting to the said application of the Commissioners, and it appears to be proper to assent thereto.

And whereas the said grand jury of the county of Waterford, assembled at spring assizes of 1884, passed a resolution stating their willingness to consent to the repeal of the said provisions of the said Act of 1863, as regards the said portion of the said town, provided the said roads should first be put into proper order and condition by the Commissioners, to the satisfaction of the county surveyor, and provided the liability of the entire of the town for guarantee and dividend, under the 10th section of the Waterford, Dungarvan, and Lismore Railway Act, 1873, should not be affected.

And whereas this Order will not affect such liability of the said town under the said Act of 1873.

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

Jurisdiction of Commissioners over roads in part of the said town transferred to the Grand Jury.

1. From and after the expiration of two months from the time of the confirmation of this Order by Act of Parliament, the said provisions of the said Act of 1863 shall cease to apply to the following roads, and parts of roads, and pathways within the said town, that is to say, all roads, parts of roads, and pathways within the portion of the said town marked and described in the said deposited map, and coloured green thereon. From and after the time when the said provisions of the said Acts shall cease to apply as aforesaid, the power now vested in the Commissioners of making roads and bridges in the said part of the said town shall cease and determine, and the power of making and repairing roads, bridges, and public works within the said part of the said town shall be vested in the grand jury of the county of Waterford, who, in that behalf, shall and may exercise such power as fully and with the same rights and authority as they would have been authorized and empowered to do if the said Act of 1863 had never been passed.

2. From and after the said rights, powers, and authority shall have become vested in the said grand jury, it shall not be lawful for the said Commissioners to levy or expend any part of the said road-rate for or on roads, bridges, or other public works in the said part of the said town, and the said grand jury may present for and levy cess in respect of roads, bridges, and other public works in the said part of the said town in all respects in the same manner as if the said Act of 1863 had not been passed. Provided that nothing contained in this Order shall in any way affect the powers and authorities vested in the said Commissioners in respect of roads, bridges, and other public works in the remaining portions of the said town, nor to impose any liability on the said other portion of the said town in respect of the making or repairing of any other roads and bridges in the barony of Decies-without-Drum, not chargeable on the said county of Waterford at large.

Dungarvan road rate not to be levied in transferred part of the town.

3. At some convenient time before the expiration of the said two months from the time of the confirmation of this Order by Parliament, the said Commissioners shall put the said roads and pathways, to be transferred as aforesaid to the grand jury, into proper order and condition to the satisfaction of the county surveyor of the said county, and the costs and expenses of placing the said roads and pathways in a proper condition as aforesaid shall be provided for by means of the said Dungarvan road-rate, and shall be leviable in respect of all rateable premises within the said town, save for the purpose of putting the said roads into proper order and condition as aforesaid.

Commissioners to put transferred roads into good order to the satisfaction of the county surveyor.

From and after the time of the confirmation of this Order by Parliament it shall not be lawful for the said Commissioners to make or levy the said Dungarvan road-rate in respect of or upon any rateable premises situated within the said portion of the said town coloured green on the said map, and the power of levying the said Dungarvan road-rates shall be confined to the part of the said town coloured yellow on the said map.

4. This Order may be cited and referred to for all purposes as "The Dun- "garvan Town Provisional Order, 1884."

Short title of Order.

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

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

A.D. 1884.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BUNCRANA WATERWORKS.

Provisional Order.

WHEREAS the guardians of the poor of the Inishowen Union, being the sanitary authority of the rural sanitary district consisting of the said union and including the town of Buncrana, are about to construct waterworks for the purpose of supplying the said town with water for public and private purposes, and have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying that they, as such sanitary authority, 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 certain lands and premises required for the purpose of the said works:

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

And whereas the said sanitary authority have 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, showing the works intended to be executed as aforesaid, and the lands, easements, lands covered with water, and rights to take and convey water 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, 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 petition, and it appears to the said Board to be proper to order as follows in reference 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 Inishowen Union, acting as the sanitary authority of the rural sanitary district, consisting of the said union, 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 the lands and easements described in the said deposited plans and book of reference. And from and after the time aforesaid it shall be lawful for the said Guardians, acting as such authority, to put in force the said provisions of the said Acts (but only for the purpose of procuring water for drinking and domestic purposes) with reference to the water, and rights to take and convey water, described in the said deposited plans and book of reference.

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 Acts Amendment Act, 1860," the "Railways Act (Ireland), 1851," the "Railways Act (Ireland), 1860," the "Railways Act (Ireland), 1864," and the "Railways Traverse Act"; and the term "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 water, lands covered with water, and rights to take and convey water.

Duration of Order.

3. The powers of compulsory purchase conferred by this Order shall not be exercised after the expiration of three years from 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 Buncrana Waterworks Provisional Order, 1884."

Given under our hands and seal of office, this seventh day of May, one thousand eight hundred and eighty-four.

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

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Printers to the Queen's most Excellent Majesty. 1884.