CHAPTER vi.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Kilrush and Cappoquin. [31st May 1889.]

A.D. 1889.

WHEREAS the Local Government Board for Ireland have, as regards the above-named places, made the Provisional Orders set forth subject as herein-after stated 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:

And whereas the Order firstly set forth in the schedule hereunto annexed has been amended 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:

Provisional Orders in schedule confirmed.

1. The said Orders as 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 (Kilrush and Cappoquin) Act, 1889.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Kilrush Town.

KILRUSH TOWN.

PROVISIONAL ORDER.

WHEREAS before the Confirmation by Parliament of the Town of Kilrush Provisional Order, 1886, the Towns Improvement (Ireland) Act, 1854, had been adopted and was in force in the Town of Kilrush in the County of Clare:

And whereas the population of the said Town being less than 6,000, the said Town, until the Confirmation of the said Order, formed part of the Rural Sanitary District consisting of the Kilrush Poor Law Union:

And whereas the Guardians of the Poor of the Kilrush Poor Law Union (herein-after called the Rural Sanitary Authority) executed certain Sewerage Works and Water Works for the said Town:

And whereas by Orders of the Local Government Board for Ireland (herein-after called the Local Government Board), made, respectively, on the Twelfth day of February, 1880, and the Sixth day of January, 1882, in pursuance of the Public Health (Ireland) Act, 1878, section 232, the Townland of Kilrush and the portions of the Townlands of Drimna, Leadmore East, and Leadmore West described in the Orders (all the said Townlands being situated in the Kilrush Electoral Division of the said Union), were constituted the areas of charge for the expenses of the said works:

And whereas by a Deed of Mortgage, dated the Twentieth day of March, 1880, from the Rural Sanitary Authority to the Commissioners of Public Works in Ireland (herein-after called the Commissioners of Public Works), reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the Rural Sanitary Authority the sum of 370*l.* for the purpose of constructing Sewers for the Drainage of the said Town, the Rural Sanitary Authority mortgaged the rates of the district comprised in the townland and portions of townlands mentioned in the said Deed of Mortgage to secure repayment of the said sum of 370*l.*, with interest at the rate of 1*l.* per centum per annum, in sixty half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum shall be discharged:

And whereas by a further Deed of Mortgage, dated the Thirty-first day of July, 1880, from the Rural Sanitary Authority to the Commissioners of Public Works,

reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the Rural Sanitary Authority the sum of 184*l.* for the purpose of constructing works for the Sewerage of the said Town, the Rural Sanitary Authority mortgaged the rates of the District comprised in the townland and portions of townlands specified in the said last-mentioned Deed of Mortgage to secure repayment of the said sum of 184*l.*, with interest at the rate of 1*l.* per centum per annum, in sixty half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum should be discharged:

And whereas by a further Deed of Mortgage, dated the Twenty-seventh day of November, 1880, from the Rural Sanitary Authority to the Commissioners of Public Works, reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the Rural Sanitary Authority the sum of 111*l.* for the purpose of constructing Sewers for the Drainage of the said Town, the Rural Sanitary Authority mortgaged the rates of the District comprised in the townland and portions of townlands specified in the said last-mentioned Deed of Mortgage to secure repayment of the said sum of 111*l.*, with interest at the rate of 1*l.* per centum per annum, in sixty half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum should be discharged:

And whereas by a further Deed of Mortgage, dated the Twenty-first day of May, 1881, from the Rural Sanitary Authority to the Commissioners of Public Works, reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the said Rural Sanitary Authority the sum of 341*l.* for the purpose of constructing Drainage Works for the Sewerage of the said Town, the Rural Sanitary Authority mortgaged the rates of the District comprised in the townland and portions of townlands specified in the said last-mentioned Deed of Mortgage to secure repayment of the said sum of 341*l.*, with interest at the rate of 3*l.* 15*s.* per centum per annum, in sixty half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum should be discharged:

And whereas by a further Deed of Mortgage, dated the Ninth day of July, 1881, from the Rural Sanitary Authority to the Commissioners of Public Works, reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the Rural Sanitary Authority the sum of 92*l.* for the purpose of constructing Drainage Works for the Sewerage of the said Town, the Rural Sanitary Authority mortgaged the rates of the District comprised in the townland and portions of townlands specified in the

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said last-mentioned Deed of Mortgage to secure repayment of the said sum of 92*l.*, with interest at the rate of 3*l.* 10*s.* per centum per annum, in twenty-six half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum should be discharged:

And whereas by a further Deed of Mortgage, dated the Eighth day of July, 1882, from the Rural Sanitary Authority to the Commissioners of Public Works, reciting that the Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury and on the recommendation of the Local Government Board had agreed to lend to the Rural Sanitary Authority the sum of 40*l.* for the purpose of constructing works for providing a supply of water in the said Kilrush Electoral Division, the Rural Sanitary Authority mortgaged the rates of the District comprised in the townland and portions of townlands specified in the said last-mentioned Deed of Mortgage to secure repayment of the said sum of 40*l.*, with interest at the rate of 3*l.* 10*s.* per centum per annum, in ten half-yearly instalments to be calculated in the manner thereby provided and payable on each 1st day of May and 1st day of November until the said principal sum should be discharged:

And whereas by the Town of Kilrush Provisional Order, 1886, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Dromore West and Kilrush) Act, 1886, the said Town was separated from the said Rural Sanitary District and constituted an Urban Sanitary District, subject to all the provisions of the Public Health (Ireland) Act, 1878, the Public Health (Ireland) Amendment Act, 1879, and all other Acts of Parliament affecting Urban Sanitary Districts, and the Town Commissioners of Kilrush are the Urban Sanitary Authority of the said Urban Sanitary District and are herein-after referred to as the Urban Sanitary Authority:

And whereas by the operation of the said Provisional Order and of the Act confirming the same, the power and duty of providing for the Sewerage and Water Supply of the Urban Sanitary District thereby constituted, has been transferred from the Rural Sanitary Authority to the Urban Sanitary Authority, and in consequence of such transfer it has become expedient to provide for the ownership of the said Sewerage Works and Water Works, and the repayment of the balance remaining due of the moneys secured by the said Mortgages, and of the instalments and interest payable in respect thereof, and with respect to the power of the Rural Sanitary Authority to levy rates within the said Urban Sanitary District for the purpose of providing for and paying the said instalments and interest; and application has accordingly been made to the Local Government Board to make an Order in the matter in pursuance of the provisions of Section 277 of the Public Health (Ireland) Act, 1878:

And whereas public notice of the purport of the proposed Order having been duly given by advertisement in the manner provided by the said Public Health (Ireland) Act, 1878, no objection has been made to the proposed Order:

And whereas the Local Government Board have inquired into the matter of the said application, and it appears to be expedient that the said Sewerage Works

and Water Works should be transferred to and vested in the Urban Sanitary Authority and that the several provisions herein-after contained should be made with respect to the repayment of the balance remaining due of the said sums and interest, and to the levying of rates by the Rural Sanitary Authority within the Urban Sanitary District:

And whereas this Order will be Provisional only until it shall be confirmed by Parliament:

It is hereby ordered by the Local Government Board that from and after the time of the confirmation of this Order by Parliament, the following provisions shall take effect:—

Transfer of the Sewerage Works and Water Works to the Urban Sanitary Authority.

1. All the right, estate, and interest of the Rural Sanitary Authority in the said Sewerage Works and Water Works, and in any Lands or Premises appertaining to the said Sewerage Works and Water Works shall be transferred to and vested in the Urban Sanitary Authority, and thenceforth shall be used by the Urban Sanitary Authority for the purpose of providing for the sewerage of the Urban Sanitary District and supplying water thereto in the manner provided by the Public Health (Ireland) Act, 1878.

Provision for payment of instalments of the loans secured by Mortgage.

2. The Urban Sanitary Authority shall raise and levy the amount of the half-yearly instalments of the sums secured by the said Mortgages and interest as part of and by means of the rates leviable by them as such Urban Sanitary Authority, under the provisions of the Towns Improvement (Ireland) Act, 1854, not being private or district assessments, upon and in respect of rateable premises situated within the townland and portions of townlands specified in the said Mortgages and each such amount shall be lodged with the Treasurer of the Rural Sanitary Authority at least one week before the First day of May and First day of November, in each year; and the Rural Sanitary Authority shall apply the sums so paid to them in discharge and satisfaction of such instalments accordingly, and in relief of the rates leviable on the townland and portions of townlands specified in the said Mortgages: Provided that the amount to be paid by the Urban Sanitary Authority to the Rural Sanitary Authority in respect of the instalments becoming due and payable to the Commissioners of Public Works on whichever of the said days shall occur first after this Order shall be confirmed, shall be an apportioned part only of the whole amount of the half-yearly instalments payable on such day, calculated in proportion to the time which shall intervene between the confirmation of this Order by Parliament and such day.

The Charges of the Commissioners of Public Works not to be affected or impaired.

3. Nothing contained in this Order shall in any way affect or impair the security of the Commissioners of Public Works under the said Mortgages, nor the right or power of the Commissioners of Public Works to enforce payment of the moneys secured by the said Mortgages and any instalment thereof that may at any time hereafter be due or owing, out of and by means of the rates mentioned in and mortgaged by the said Mortgages; nor the power of the Rural Sanitary Authority to make or levy rates on

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the townland and portions of townlands specified in the said Mortgages, for the purpose of raising the amount of such instalments and paying the same to the Commissioners of Public Works.

Declaratory Order with respect to the rating powers of the Rural Sanitary Authority, and provision for levying of rates due to that Authority and for making rates upon default of the Urban Sanitary Authority.

4. With respect to the effect of the Town of Kilrush Provisional Order, 1886, and of the Act confirming the same upon the power of the Rural Sanitary Authority to levy and raise rates on premises situated within the Urban Sanitary District for the purposes of the said Sewerage Works and Water Works and for paying the instalments of principal and interest in accordance with the provisions of the said Morrgages, it is hereby declared and ordered that, notwithstanding anything contained in the said last-mentioned Act or Order, all rates made by the Rural Sanitary Authority before the time of the confirmation of this Order by Parliament for the purposes of the said Sewerage Works and Water Works and of paying the said instalments or any of them, shall be deemed to have been legally and validly made and assessed by the Rural Sanitary Authority and to be leviable by the Rural Sanitary Authority upon and in respect of all Rateable premises thereby rated; and it is further ordered that all arrears of such rates made, due and owing at the time of the confirmation of this Order by Parliament shall be paid to and shall be collected, raised and levied by the Rural Sanitary Authority upon and in respect of all premises rated in respect thereof; and it is hereby ordered that in case at any time the Urban Sanitary Authority shall make default in lodging the amount payable by such Authority in respect of any instalment of principal or interest according to the terms of this Order, if and so often as any such default shall take place, it shall be lawful for the Rural Sanitary Authority to raise, levy and enforce payment of such amount as part of the Poor Rates leviable upon the townland and portions of townlands specified in the said Mortgages.

Costs and expenses of Order.

5. All costs, charges, and expenses of and incidental to the application for, preparation of, and confirmation of this Order by Parliament, shall be paid by the Urban Sanitary Authority out of the rates leviable by them under the provisions of the Towns Improvement (Ireland) Act, 1854, not being private or district assessments, upon and in respect of rateable premises situated within the townland and portions of townlands specified in the said Mortgages.

Short title of Order.

6. This Order may be cited and referred to for all purposes as the Kilrush Town Provisional Order, 1888.

Given under our Hands and Seal of Office, this Eleventh day of May, in the Year of Our Lord One Thousand Eight Hundred and Eighty-eight.

(Signed) Henry Robinson.
George Morris.
F. Mac Cabe.

CAPPOQUIN WATERWORKS.

A.D. 1889.

Cappoquin Waterworks.

PROVISIONAL ORDER.

WHEREAS the town of Cappoquin is part of the Rural Sanitary District consisting of the Lismore Poor Law Union, and the Guardians of the Poor of the said Union are the Rural Sanitary Authority of the said District, and are about to execute certain works for the purpose of providing a supply of water for drinking and domestic purposes to the said town, and have presented a petition 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, 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 with reference to certain lands and premises required for the purposes of the said works:

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

And whereas the said Sanitary Authority has deposited in the Office of the Local Government Board in Dublin, Plans, and a Book of Reference referring thereto (herein-after called the deposited Plans 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 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 has 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 to take lands, easements, and water.

1. From and after the time of the confirmation of this Order by Parliament the said Sanitary Authority 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 all the lands, easements, lands covered with water, and rights to take and convey water, described in the deposited Plans and Book of Reference.

Interpretation of terms.

2. In this Order the expression the Lands Clauses Acts means and includes 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 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 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.

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Cappoquin Waterworks.

Provision for costs and expenses.

4. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order and otherwise in relation thereto, shall be paid by the said Sanitary Authority, and charged upon the area of charge declared by an Order of the Local Government Board bearing date the twenty-sixth day of March, 1888, to be the area of charge for expenses incurred for the purpose of providing a supply of water to the said town of Cappoquin.

Short title of Order.

5. This Order may be cited for all purposes as the Cappoquin Waterworks Provisional Order, 1888.

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

(Signed) Henry Robinson.
F. Mac Cabe.

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