CHAPTER lxvi.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Kilkenny Dungarvan Holywood the Rural District of Naas No. 1 and the Portarlington Joint Burial Board. A.D. 1914.

[8th July 1914.]

WHEREAS the Local Government Board for Ireland (herein-after referred to as "the Local Government Board") have made the Provisional Orders set out in Schedules A. C. D. and E. hereto under the Public Health (Ireland) Acts 1878 to 1907 and the Provisional Order set out in Schedule B. hereto under those Acts and the Local Government (Ireland) Act 1898:

And whereas it is requisite that the said Orders should be confirmed by Parliament and that the provisions herein contained should be enacted with reference to those Orders:

And whereas the Kilkenny Corporation (herein-after referred to as "the Corporation") has borrowed under the Public Health (Ireland) Act 1878 various sums of money leaving the present unexercised borrowing powers of the Corporation only sixteen thousand three hundred and thirty-eight pounds or thereabouts:

And whereas for the purpose of the sewerage scheme referred to in the Order a further sum of fourteen thousand pounds or thereabouts over and above the present unexercised borrowing powers of the Corporation will or may be required to defray the expenditure incurred and about to be incurred in completing the same and the Local Government Board for Ireland after due inquiry has satisfied itself that in the interests of the public health it is necessary that the said sewerage scheme should be forthwith completed and that further borrowing powers be conferred on the Corporation:

A.D. 1914.

And whereas it is expedient that such further borrowing powers should subject to the consent of the Local Government Board be conferred upon the Corporation:

Be it therefore enacted by the King'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:—

Orders in schedules confirmed.

1. The Orders set out in the schedules hereto are hereby confirmed and all the provisions thereof shall have full validity and force.

Restriction of power to take houses of working class.

2. The urban authorities mentioned in the Orders relating to Kilkenny Dungarvan and Holywood hereby confirmed shall not under the powers of those Orders purchase or acquire in any urban district any house which on the fifteenth day of December last was occupied either wholly or partially by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board any house which was not so occupied on the said fifteenth day of December but has been or shall be subsequently so occupied.

If any of the said authorities acquire or appropriate any house or houses for the purposes of the Order relating to their district in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own families and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Increase of borrowing powers by Kilkenny Corporation under 41 & 42 Vict. c. 52.

3. The amount which the Corporation may borrow under the Public Health (Ireland) Act 1878 for the purposes of the Kilkenny Order 1914 hereby confirmed and of carrying out the scheme for which the lands mentioned in that Order are required shall subject to the consent of the Local Government Board be increased by a sum not exceeding fourteen thousand pounds and any sum borrowed by the Corporation for the purposes of the said Order and of carrying out the said scheme save in so far as and to the amount that such sum exceeds fourteen thousand pounds shall not be reckoned in calculating the amount which they may borrow under the said Act for purposes other than the purposes of the said Order.

Short title.

4. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 1) Act 1914.

A.D. 1914.

SCHEDULES.

SCHEDULE A.

BOROUGH OF KILKENNY.

Kilkenny. ***Provisional Order to enable the Urban Sanitary Authority for the Borough of Kilkenny to put in force the Compulsory Clauses of the Lands Clauses Acts.***

WHEREAS the mayor aldermen and burgesses of the borough of Kilkenny acting by the town council (in this Order referred to as "the Corporation") as the urban sanitary authority for that borough require to purchase and take the lands described in the schedule hereto for the purpose of improving the sewerage of the borough.

Now therefore We the Local Government Board for Ireland in pursuance of the powers given to Us by section 203 of the Public Health (Ireland) Act 1878 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

41 & 42 Vict. c. 52.

1. The Corporation shall be empowered to put in force with reference to the lands described in the schedule hereto and for the purpose aforesaid the powers of the Lands Clauses Acts as amended by section 8 of the Public Health (Ireland) Act 1896 with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.

2. The costs and expenses of the Corporation and the Local Government Board for Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the Corporation as part of their expenses under the Public Health (Ireland) Acts 1878 to 1907.

3. This Order may be cited as the Kilkenny Order 1914.

SCHEDULE.

A.D. 1914.

Kilkenny.

County of Kilkenny.

Parish of St. John's—Townland of Purcellsinch.

Number on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
1	Field containing 6 acres	Lieutenant-Colonel Mervyn de Montmorency.	Arthur J. Wilsdon.

Given under our seal of office this fourth day of March in the year of our Lord one thousand nine hundred and fourteen.

(L.S.) (Signed) T. J. Stafford.

SCHEDULE B.

URBAN DISTRICT OF DUNGARVAN.

Provisional Order to enable the Council of the Urban District of Dungarvan to put in force the Compulsory Clauses of the Lands Clauses Acts.

Dungarvan.

WHEREAS the urban district council of Dungarvan (in this Order referred to as "the district council") require to purchase and take the lands and premises described in the schedule hereto for the purpose of laying out planting improving and maintaining the same as a recreation ground or public walk and the proposed recreation ground or public walk although not within the urban district would be convenient for the use of the inhabitants of that district:

Now therefore We the Local Government Board for Ireland in pursuance of the powers given to Us by section 203 of the Public Health (Ireland) Act 1878 and section 36 of the Local Government (Ireland) Act 1898 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

41 & 42 Vict. c. 52.
61 & 62 Vict. c. 37.

1. The district council shall be empowered to put in force with reference to the lands and premises described in the schedule hereto and for the purpose aforesaid the powers of the Lands Clauses Acts as

A.D. 1914.

Dungarvan.
59 & 60 Vict. c. 54.

amended by section 8 of the Public Health (Ireland) Act 1896 with reference to the purchase and taking of lands otherwise than by agreement or any of them.

2. The district council shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the district council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Article the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the district council and the amount of such costs and charges shall be a debt due from the district council to the Crown and shall be recoverable as a Crown debt or summarily.

3. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the district council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

4. The costs and expenses of the district council and the Local Government Board for Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council out of the rate applicable by that council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts 1878 to 1907.

5. This Order may be cited as the Dungarvan Order 1914.

SCHEDULE.

A.D. 1914.

Dungarvan.

County of Waterford.

Barony of Decies within Drum—Rural District of Dungarvan—Parish of Ringagonagh.

Number on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
1	Lands of Cunnigar with buildings thereon containing 44a. 0r. 8p.	John R. Dower -	Bridget Mahony Administratrix of Laurence Walsh.
2	Lands of Ballynacourty north containing 8a. 3r. 22p.	Patrick E. Curran	Patrick E. Curran.
3	Lands of Ballynacourty north containing 1a. 0r. 24p.	Same - -	Same.
4	Lands of Cunnigar containing 4a. 3r. 28p.	John R. Dower -	John R. Dower.
5	Lands of Ballynacourty north containing 4a. 2r. 17p.	Patrick E. Curran	Patrick E. Curran.

Given under our seal of office this twenty-seventh day of February in the year of our Lord one thousand nine hundred and fourteen.

(L.S.) (Signed) H. A. Robinson.

SCHEDULE C.

URBAN DISTRICT OF HOLYWOOD.

Provisional Order to enable the Council of the Urban District of Holywood to put in force the Compulsory Clauses of the Lands Clauses Acts. Holywood.

WHEREAS the urban district council of Holywood (in this Order referred to as "the district council") require to purchase and take the lands water and rights described in the schedule hereto for the purpose of improving the supply of water to their district:

Now therefore We the Local Government Board for Ireland in pursuance of the powers given to Us by section 203 of the Public Health (Ireland) Act 1878 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the 41 & 42 Vict. c. 52.

A.D. 1914.

Holywood.]

Act confirming this Order the following provisions shall have effect namely :—

1. The district council shall be empowered to put in force with reference to the lands water and rights described in the schedule hereto and for the purpose aforesaid the powers of the Lands Clauses Acts as amended by section 8 of the Public Health (Ireland) Act 1896 with reference to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.

2. For the purposes of this Order the expression "land" in the Lands Clauses Acts shall include the lands water and rights described in the schedule hereto.

3. The costs and expenses of the district council and the Local Government Board for Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council out of the rate applicable by that council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts 1878 to 1907.

4. This Order may be cited as the Holywood Order 1914.

SCHEDULE.

COUNTY OF DOWN.

Rural District of CASTLEREAGH.

Parish of HOLYWOOD—Townland of BALLYKEEL.

No. on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
1 1A and 1B.	Parcel of land containing 21p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Major Arthur Chambers.	Samuel Swaine.
2 2A and 2B.	Parcel of land containing 25p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - - -	John Jeffrey.
3 and 3A.	Parcel of land containing 29p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - - -	Same.

No. on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
4 4A and 4B.	Parcel of land containing 1r. 18p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Major Arthur Chambers.	Sarah Boyd.
5 and 5A.	Parcel of land containing 1r. 13p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
6 6A and 6B.	Parcel of land containing 1a. 2r. 32p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	James Speers.
7 7A and 7B.	Parcel of land containing 1a. 1r. 9p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	William Jeffrey.
8 8A 8B and 8C.	Parcel of land containing 4a. 2r. 36p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	James Speers.
9 9A 9B 9C and 9D.	Parcel of land and quarry containing 2a. 3r. 19p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	William John Hanna Mrs. Lizzie Hanna.
10 and 10A.	Parcel of land and quarry containing 2a. 5p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Isabella Kyle Eleanor Kyle.
11 11A and 11B.	Parcel of land containing 1a. 35p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
12 and 12A.	Parcel of land containing 2a. 7p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
13 and 13A.	Parcel of land containing 23p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.

A.D. 1914.

Holywood.

No. on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
23	Parcel of land containing 10p. -	Major Arthur Chambers.	James Speers.
24	Parcel of land containing 7p. -	Same - -	William Jeffrey.
25	Portion of cart-road containing 28p. and a right of way over the same with or without horses or vehicles.	Same - -	James Speers William Jeffrey.
	TOWNLAND OF HOLYWOOD.		
14 and 14A.	Parcel of land containing 20p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission Charles Patty.	Charles Patty.
15 and 15A.	Parcel of land containing 1a. 13p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission Thomas Hugh Boyd.	Thomas Hugh Boyd.
16 and 16A.	Parcel of land containing 12p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
17 and 17A.	Parcel of land containing 1a. 2r. 27p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
17B and 17C.	Parcel of land containing 7p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
18 and 18A.	Parcel of land containing 1a. 3r. 1p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
19 19A and 19B.	Parcel of land containing 2a. 1r. 29p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Same - -	Same.
20 and 20A.	Parcel of land containing 2a. 21p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission James Boyd.	James Boyd.

No. on deposited Plan.	Description of Lands.	Owners or reputed Owners.	Occupiers.
21 and 21A.	Parcel of land containing 1a. 1r. 28p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission James Boyd.	James Boyd.
22B	Parcel of land containing 1p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission Robert Gray.	Robert Gray James Gray.
	Townland of Knocknagoney.		
21B and 21C.	Parcel of land containing 1p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission James Boyd.	Irish Land Commission James Boyd.
22 and 22A.	Parcel of land containing 2r. 9p. and all springs and streams of water rising in or flowing through same and the right to take and convey water therefrom.	Irish Land Commission Robert Gray.	Robert Gray James Gray.

Given under our seal of office this twenty-sixth day of March in the year of our Lord one thousand nine hundred and fourteen.

(L.S.) (Signed) H. A. Robinson.

SCHEDULE D.

RURAL DISTRICT OF NAAS No. 1.

Provisional Order to enable the Council of the Rural District of Naas No. 1 to put in force the Compulsory Clauses of the Lands Clauses Acts.

WHEREAS the council of the rural district of Naas No. 1 (in this Order referred to as "the district council") being the burial board of the district require to purchase and take the lands described in the schedule hereto for the purpose of providing a new burial ground for Timahoe and other localities in their district:

A.D. 1914.

Naas No. 1.
41 & 42 Vict. c. 52.

Now therefore We the Local Government Board for Ireland in pursuance of the powers given to Us by section 203 of the Public Health (Ireland) Act 1878 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely :—

1. The district council shall be empowered to put in force with reference to the lands described in the schedule hereto and for the purposes aforesaid the powers of the Lands Clauses Acts as amended by section 8 of the Public Health (Ireland) Act 1896 with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.

2. The costs and expenses of the district council and the Local Government Board for Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council and the money required for that purpose shall be supplied by the county council of Kildare in the manner provided by the Local Government (Ireland) Act 1898 as part of the expenses of the district council.

61 & 62 Vict. c. 37.

3. This Order may be cited as the Timahoe Burial Ground Order 1914.

SCHEDULE.

County of Kildare.

Rural District of Naas No. 1.

Townland of Staplestown—Parish of Ballynafagh.

Number on Map.	Description of Lands.	Owners or reputed Owners.	Occupiers.
1	Lands containing 1a. 2r.	Helen Aldritt Eveline F. Aldritt George Wolfe.	Helen Aldritt Eveline F. Aldritt.

Given under our seal of office this nineteenth day of March in the year of our Lord one thousand nine hundred and fourteen.

(L.S.) (Signed) H. A. Robinson.

SCHEDULE E.

PORTARLINGTON JOINT BURIAL BOARD.

Portarlington.

Provisional Order to enable the Portarlington Joint Burial Board to put in force the Compulsory Clauses of the Lands Clauses Acts.

WHEREAS by the Portarlington Joint Burial Board Order 1912 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1912 and in this Order referred to as "the Order of 1912" the rural districts of Mountmellick and Cloneygowan were formed into a united district and the Portarlington Joint Burial Board (in this Order referred to as "the joint board") was constituted as the governing body thereof for the purpose of providing a new burial ground for Portarlington and other localities within the united district and maintaining and managing the same when provided: 2 & 3 Geo. 5. c. cxiii.

And whereas the joint board requires to take and purchase the lands described in the schedule hereto for the purpose aforesaid:

Now therefore We the Local Government Board for Ireland in pursuance of the powers given to Us by section 203 of the Public Health (Ireland) Act 1878 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:— 41 & 42 Vict. c. 52.

1. The joint board shall be empowered to put in force with reference to the lands described in the schedule hereto and for the purposes aforesaid the powers of the Lands Clauses Acts as amended by section 8 of the Public Health (Ireland) Act 1896 with respect to the purchase and taking of lands otherwise than by agreement or any of them. 59 & 60 Vict. c. 54.

2. The costs and expenses of the joint board and the Local Government Board for Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the joint board and shall be defrayed as expenses incurred by them in the execution of the Order of 1912.

3. This Order may be cited as the Portarlington Joint Burial Board Order 1914.

A.D. 1914.

Portarlington.

SCHEDULE.

KING'S COUNTY.

Townland of KILMALOGUE—Parish of CLONYHURKE.

Number on Plan.	Description of Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Land containing 5 acres.	Commissioners of Charitable Donations and Bequests.	Rev. W. H. Powell	Mrs. Martha Gately.

Given under our seal of office this second day of April in the year of our Lord one thousand nine hundred and fourteen.

(L.S.) (Signed) H. A. ROBINSON.

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