CHAPTER xxxv.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Rural Sanitary District of Tullamore. [3rd July 1894.]

A.D. 1894.

WHEREAS the Local Government Board for Ireland have made the Provisional Order set forth in the schedule hereto, under the provisions of the Public Health (Ireland) Act, 1878: 41 & 42 Vict. c. 52.

And whereas it is requisite that the said Order 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:—

Order in schedule confirmed.

1. The Order set out in the schedule hereto is hereby confirmed, and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 6) Act, 1894.

[*Price* 3*d.*]

A.D. 1894.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Tullamore.

TULLAMORE WATERWORKS.

PROVISIONAL ORDER.

WHEREAS the Guardians of the Poor of the Tullamore Union (herein-after called the sanitary authority) are the rural sanitary authority of the district consisting of the Tullamore Union, including the town of Tullamore:

55 & 56 Vict. c. ccxii.

And whereas by the Tullamore Waterworks Provisional Order, 1892, confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 5) Act, 1892, the sanitary authority were 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, lands covered with water, and rights to take and convey water shown and described in the deposited plans and book of reference mentioned in the said Provisional Order, and which the sanitary authority required to take for the purpose of constructing waterworks for supplying the town of Tullamore with water:

And whereas the lands and premises which the sanitary authority were empowered by the said Order to take included the site of a reservoir in the townland of Gurteen, the site of an intake weir across the River Clodiagh, below the point of junction of the said river with the River Gorragh, in the townlands of Cush Upper and Cush Lower, to divert the water thereof and furnish a supply to the said reservoir, the site of an aqueduct on the said townlands, and of a conduit from the said reservoir to the public road adjoining the said lands:

And whereas no part of the said last-mentioned works has been executed, and no part of the lands required for them has been taken by the sanitary authority:

And whereas it has been ascertained that the water of the Gorragh River is objectionable, owing to its being loaded with sand, and for other reasons, and it is also desirable to obtain water from a point further up the river Clodiagh than the said intake weir, in order to provide water at a sufficiently high pressure for the said town, and, consequently, the sanitary authority are desirous of abandoning the construction of the part of the proposed waterworks herein-before described, and of substituting in their place the works herein-after mentioned, and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) praying that a Provisional Order may be made repealing so much of the said Provisional Order

as authorises the taking of lands compulsorily for the purpose of the works so proposed to be abandoned, and that the sanitary authority 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 respect to the lands and premises herein-after mentioned which are required for the purpose of other works to be substituted for the portion of the original works so proposed to be abandoned:

And whereas the sanitary authority have deposited at the office of the Local Government Board plans (herein-after called the deposited plans) showing the said works and 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 Local Government Board to be proper to make this Order in respect of the matters aforesaid: 41 & 42 Vict. c. 52.

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

Compulsory powers of taking lands, water, and easements.

1. From and after the confirmation of this Order by Parliament, the 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 the following lands and premises:—

(*a.*) A plot of ground in the townland of Clonaslee, barony of Tinnehinch, Queen's County, in the possession of Mrs. Margaret Hope, containing about one half a statute acre of land and required for the purpose of constructing a reservoir with filters and a pure water basin.

(*b.*) The site of a conduit, about six hundred feet long and twelve inches internal diameter, from the said reservoir to the point on the Clodiagh River where the intake weir next mentioned will be constructed.

(*c.*) The site of an intake weir across the River Clodiagh, at the place shown in the deposited plans, with a right to take and divert the water of the said river by means of the said weir.

(*d.*) A right to take and divert the water of the said river for the purpose aforesaid, together with all natural springs and water on the said lands, and a right to take and use the same for the purposes of the said works.

All which lands and premises are shown on the deposited plans.

Termination of certain compulsory powers given by the Provisional Order of 1892.

2. The powers of taking lands and other premises otherwise than by agreement conferred on the sanitary authority by the Tullamore Waterworks Provisional Order, 1892, and the Act confirming the same, shall not be exercised so far as such powers apply to the site of the reservoir on the lands of Abraham Caulton at Gurteen, the site of a weir across the said River Clodiagh, in the townlands of Cush Upper and Cush Lower, on the lands of Joseph Poole and Patrick Young, the site of an aqueduct on the lands of the said Joseph Poole, and the site of the conduit from the

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reservoir to the public road, all which premises are described in the book of reference and deposited plans mentioned in the said Provisional Order.

Interpretation of terms.

3. The words land and lands in the Lands Clauses Acts shall, for the purposes of this Order, extend to and include messuages, buildings, lands, easements, lands covered with water, and rights to take and convey water.

Duration of compulsory powers.

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

Costs of Order.

5. All costs, charges, and expenses of, and incidental to, the application for, preparing, obtaining, and confirming this Order shall be paid by the sanitary authority as special expenses.

Short title of Order.

6. This Order may be cited and referred to for all purposes as the Tullamore Waterworks Provisional Order, 1894.

Given under our hands and seal of office this sixteenth day of April, in the year of our Lord one thousand eight hundred and ninety-four.

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

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