# CHAPTER xc.

An Act to confirm certain Provisional Orders made by the Local Government Board for Ireland under the Public Health (Ireland) Act 1878 relating to the Sanitary Districts of Queenstown Larne Manorhamilton and Donegal. [2nd July 1896.]

A.D. 1896.

WHEREAS the Local Government Board for Ireland have made the Provisional Orders set forth in the schedule hereto under 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 as set out in the schedule hereto are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

**2.** This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 8) Act 1896. Short title.

A.D. 1896.

# SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

*Queenstown.*

## QUEENSTOWN WATERWORKS.

### PROVISIONAL ORDER.

17 & 18 Vict. c. 103.

WHEREAS the town commissioners of the town of Queenstown in the County Cork acting under the Towns Improvement (Ireland) Act 1854 (herein-after called the sanitary authority) being the sanitary authority of the urban sanitary district consisting of the said town are about to construct waterworks for the purposes of the said district and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board)

41 & 42 Vict. c. 52.

in pursuance 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 land otherwise than by agreement for the purposes of the said works :

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin plans and a book of reference (herein-after called the deposited plans and book of reference) showing the lands and premises required for the purposes aforesaid :

41 & 42 Vict. c. 52.

And whereas all advertisements and notices required by the Public Health (Ireland) Act 1878 having been previously published served and given the Local Government 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 be proper to assent thereto :

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

Compulsory powers to take land easements and water.

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 land otherwise than by agreement with reference to the lands lands covered with water rights to take and convey water easements and other premises described in the deposited plans and book of reference and for the purposes of this order the word "land" in the Lands Clauses Acts shall extend to and include the said lands lands covered with water rights to take and convey water easements and other premises.

Saving of the rights of the War Department.

2. Nothing in this order contained shall authorise the sanitary authority to enter upon use or interfere with any lands hereditaments or works belonging to Her Majesty the Queen or to enter upon or interfere with any land soil hereditaments water or any right in respect thereof vested in or exercised by Her Majesty's Principal Secretary of State for the War Department for the time being for the public service or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary without his previous consent in writing under his hand which consent the said

Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he may see fit to impose on the sanitary authority.

Restriction of power to take houses of the labouring class.

3. The sanitary authority shall not under the powers of this Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December last but have been or will be subsequently so occupied For the purposes of this Order the expression "labouring class" includes 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.

Provision for the protection of the Great Southern and Western Railway.

4. So much of the intended works shown upon the deposited plans as may pass through that portion of the townland of Annegrove the property of the Great Southern and Western Railway Company (in this clause called the company) and over the bridge belonging to the company in the townland of Ringmeen which carries the public road over the Great Southern and Western Railway at that place shall be carried out at such points places and levels and in such manner as has previously been approved of by the engineer for the time being of the company or failing his approval by an engineer to be appointed by the Local Government Board on the application of either party and the said works shall be executed by and at the cost of the sanitary authority but under the superintendence and to the reasonable satisfaction of the said engineer Provided that the company may at their option construct and carry out so much of the said works situate as aforesaid as may be necessary for cutting the trench for laying pipes under the actual permanent way of the railway and in such case the costs and expenses thereof and incident thereto shall be borne by the sanitary authority and shall upon demand be repaid to the company by the sanitary authority.

Duration of compulsory powers.

5. The compulsory powers of purchasing lands and other premises given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.

Costs of Order.

6. The costs and expenses of and incident to the application for making and confirmation of this Order shall be paid by the sanitary authority as part of their expenses as a sanitary authority by means of the rate leviable by them under the 60th section of the Towns Improvement (Ireland) Act 1854. 17 & 18 Vict. c. 103.

Short title of Order.

7. This Order may be cited as the Queenstown Waterworks Provisional Order 1896.

Given under our Hands and Seal of Office this Sixth day of May in the year of our Lord One thousand eight hundred and ninety-six.

(L.S.) (Signed) George Morris.
F. MacCabe.

A.D. 1896.

*Larne.*

# The Local Government Board for Ireland.

## LARNE WATERWORKS.

### PROVISIONAL ORDER.

17 & 18 Vict. c. 103.

55 Vict. c. xxvii.

42 & 43 Vict. c. 57.

57 & 58 Vict. c. xxxviii.

WHEREAS the Town Commissioners of the town of Larne in the county of Antrim acting under the Towns Improvement (Ireland) Act 1854 have been constituted an urban sanitary authority and the said town has been constituted an urban sanitary district by the Larne Provisional Order 1892 confirmed by the Local Government Board (Ireland) Provisional Order (No. 1) Act 1892 and the said urban sanitary authority (herein-after called the sanitary authority) are incorporated by the Public Health (Ireland) Amendment Act 1879 :

And whereas by the Larne Waterworks Provisional Order 1894 confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 10) Act 1894 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 certain lands and premises required for the purpose of constructing waterworks for the town and it was ordered that the compulsory powers thereby given should not be exercised after the expiration of three years from the confirmation of the order :

And whereas the sanitary authority have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) stating that the sanitary authority have never in any way exercised any of the compulsory powers of purchase conferred by the said Act of 1894 and have not constructed or commenced to construct any part of the works for which the said powers were acquired and that nothing had been done or happened under the said order to affect or prejudice the estate or rights of any of the persons owning or interested in any of the lands aforesaid or to give or vest in any such person any right against the sanitary authority in respect of anything contained in the said Order and further stating that in consequence of further and fuller inquiry and information acquired since obtaining the said provisional order the sanitary authority had ascertained that the execution of the scheme for which the said Order was obtained would greatly exceed the estimated amount and the amount which in the opinion of the sanitary authority should be expended by them for such purposes and that the provisions therein contained for securing a supply of water to owners and occupiers whose supply of water might be taken or injuriously affected by the said waterworks would probably render the supply of water obtainable from the waterworks then proposed inadequate and that the sanitary authority had determined to abandon the construction of the said waterworks and construct in lieu thereof certain other works therein described and praying that they may be allowed to abandon the works for which the Provisional Order of 1894 was granted and that they may be empowered 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 purposes of constructing the waterworks now proposed to be executed and thereby providing a supply of water for the said town :

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin plans and a book of reference (herein-after called the deposited plans and book of reference) showing the lands and other premises required for the purposes of the waterworks now proposed to be executed and all advertisements and notices required by the Public Health (Ireland) Act 1878 having been previously 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 with respect to the matters aforesaid:

41 & 42 Vict. c. 52.

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

1. From and after the confirmation of this Order by Parliament the Local Government Board (Ireland) Provisional Order Confirmation (No. 10) Act 1894 shall be repealed.

Repeal of the Local Act 57 & 58 Vict. c. xxxviii.

2. 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 lands easements lands covered with water and rights to take and convey water described in the deposited plans and book of reference and for the purposes of this Order the word "land" in the Lands Clauses Acts shall extend to and include the said lands easements lands covered with water and rights to take and convey water.

Compulsory powers to take lands and other premises.

3. The sanitary authority shall not under the powers of this Order purchase or acquire in any urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December last but have been or will be subsequently so occupied.

Provision respecting houses occupied by the labouring class.

For the purposes of this Order the expression "labouring class" includes 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.

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

Duration of compulsory powers.

5. The costs and expenses of and incidental to the application for preparation of obtaining and confirming this Order shall be paid by the sanitary authority by means of the rates applicable to the payment of their expenses as a sanitary authority.

Costs of Order.

6. This Order may be cited and referred to for all purposes as the Larne Waterworks Provisional Order 1896.

Short title of Order.

Given under our Hands and Seal of Office this Seventh day of May in the year of our Lord One thousand eight hundred and ninety-six.

(L.S.) (Signed) George Morris.
F. MacCabe.

A.D. 1896.

*Manor-hamilton.*

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

# MANORHAMILTON UNION.

## MANORHAMILTON WATERWORKS.

## PROVISIONAL ORDER.

WHEREAS the Guardians of the Poor of the Manorhamilton Union (hereinafter called the sanitary authority) being the sanitary authority of the rural sanitary district consisting of the said union including the town of Manorhamilton are about to construct waterworks for the purpose of supplying the said town with water and have presented a petition to the Local Government Board for Ireland (hereinafter called the Local Government Board) in pursuance 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 said works :

41 & 42 Vict. c. 52.

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin plans and a book of reference (hereinafter called the deposited plans and book of reference) showing the lands and premises required for the said works :

And whereas all advertisements and notices required by the Public Health (Ireland) Act 1878 having been previously 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 be proper to assent thereto :

41 & 42 Vict. c. 52.

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

Compulsory powers to take lands and other premises.

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 lands lands covered with water rights to take and convey water easements and other premises shown in the deposited plans and book of reference and the word "land" in the Lands Clauses Acts shall for the purposes of this Order extend to and include the said lands lands covered with water rights to take and convey water easements and other premises.

Duration of compulsory powers.

2. 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.

3. The 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.

4. This Order may be cited and referred to for all purposes as the Manorhamilton Waterworks Provisional Order 1896.

Given under our hands and seal of office this seventh day of May in the year of our Lord one thousand eight hundred and ninety-six.

(L.S.) (Signed) GEORGE MORRIS.
F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND. A.D. 1896.

## DONEGAL WATERWORKS. *Donegal.*

### PROVISIONAL ORDER.

WHEREAS the Guardians of the Poor of the Donegal Union (herein-after called the sanitary authority) being the sanitary authority of the rural sanitary district consisting of the said union and including the town of Donegal are about to construct waterworks for the purpose of supplying the said town with water and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) in pursuance 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.

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin a plan and book of reference (herein-after called the deposited plan and book of reference) showing the lands and premises required for thepurposes aforesaid:

And whereas all advertisements and notices required by the Public Health (Ireland) Act 1878 having been previously 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 assent thereto: 41 & 42 Vict. c. 52.

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

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 lands easements lands covered with water and rights to take and convey water described in the deposited plan and book of reference and for the purposes of this Order the word "land" in the Lands Clauses Acts shall extend to and include the said lands easements lands covered with water and rights to take and convey water. Compulsory powers to purchase lands and other premises.

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

3. The 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. Costs of Order.

A.D. 1896.

*Donegal.*

Short title of Order.

4. This Order may be cited and referred to for all purposes as the Donegal Waterworks Provisional Order 1896.

Given under our hands and seal of office this seventh day of May in the year of our Lord one thousand eight hundred and ninety-six.

(L.S.) (Signed) George Morris.
F. MacCabe.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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