CHAPTER ii.

An Act to confirm certain Provisional Orders made by the Local Government Board for Ireland relating to the Township of Kingstown and the Town of Galway. [22d April 1875.] A.D. 1875.

WHEREAS the Local Government Board for Ireland, acting under the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," have made, in relation to the township of Kingstown and the town of Galway, the provisional orders set forth in the schedule to this Act annexed:

And whereas a provisional order made under the authority of the said Act is not of any validity or force whatever until confirmed by Parliament:

And whereas it is expedient that the said provisional 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:

Orders in schedule to be confirmed.

1. The said orders set forth in the schedule to this Act annexed shall be and the same are hereby respectively confirmed, and all the provisions of the same respectively 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 (Kingstown and Galway) Confirmation Act, 1875."

A.D. 1875.

SCHEDULE.

KINGSTOWN DRAINAGE.

Provisional Order.

WHEREAS "The Commissioners of the Township of Kingstown," (herein-after called the Commissioners) are the Governing Body of the said township incorporated and acting under the provisions of the "Towns Improvement (Ireland) Act, 1854," (herein-after called the Act of 1854,) and the enactments incorporated therewith, (which include the "Towns Improvement Clauses Act, 1847,") "The Kingstown Improvement Act, 1861," and "The Township of Kingstown Act, 1869:"

17 & 18 Vict. c. 103.

24 & 25 Vict. c. cxviii. 32 & 33 Vict. c. cxxxiii.

And whereas the said Commissioners are a sewer authority and a nuisance authority within the meaning of the "Sanitary Act, 1866:"

29 & 30 Vict. c. 90.

And whereas the provisions of "The Local Government (Ireland) Act, 1871," (save those relating to controverted elections) were on the twenty-seventh of January 1873 duly adopted in and by the said township of Kingstown, in pursuance of the provisions of the thirty-second section of the said last-mentioned Act:

34 & 35 Vict. c. 109.

10 & 11 Vict. c. 34. s. 157.

And whereas by the one hundred and fifty-seventh section of the "Towns Improvement Clauses Act, 1847," the Commissioners are empowered to levy special sewer rates for certain purposes therein mentioned:

S. 158.

And whereas by the one hundred and fifty-eighth section of the last-mentioned Act the Commissioners are empowered to levy a General Sewer Rate for the purposes therein mentioned; and by the one hundred and fifty-ninth section of the said Act the Commissioners are empowered to raise money by mortgage of the said general and special rates, and it is provided that in order to discharge the principal money so borrowed the Commissioners shall in every year repay not less than one-thirtieth part of the money so borrowed; and by the one hundred and sixtieth section of the said Act it is provided that the Commissioners shall make the general sewer rate of such amount as will, with the special sewer rates, raise money sufficient not only to defray the current expenses of maintaining sewers purchased or made, but also to keep down the interest of any moneys borrowed on the security of the said rates, and to pay off the principal of such moneys within a period not longer than thirty years:

S. 159.

S. 160.

And whereas the said Commissioners have in pursuance of the powers so conferred upon them levied a rate within the said township called the sewers rate, and have constructed and maintained thereout sewers and drains within said township:

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And whereas, owing to the increase in houses and buildings within the said township, a complete internal system of drainage has become necessary, and with a view to carry out that object the Commissioners have caused their surveyor to prepare plans dividing the said township into two drainage districts named respectively "the Kingstown Drainage District," and "the Glasthule Drainage District," and showing the works necessary for such drainage:

And whereas a sum of 8,000*l.* will suffice to carry out the said works within the said "Kingstown Drainage District," and a sum of 2,000*l.* will suffice to carry out the said works within the said "Glasthule Drainage District:"

And whereas the assessable value of the premises assessable within the said township of Kingstown is 65,933*l.*:

And whereas the said Commissioners have duly presented a petition to the Local Government Board for Ireland in pursuance of the 6th section of the "Local Government (Ireland) Act, 1871," praying for powers to borrow a sum of 10,000*l.* by means of a mortgage of the said "sewer rate," to be paid off within a period of fifty years; and upon due inquiry being directed and had, it appears to the Local Government Board for Ireland that this provisional order should be made:

34 & 35 Vict. c. 109.

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

Short title.

1. This Order may for all purposes be cited and referred to as "The Kingstown Drainage Order, 1874."

Commencement of Order.

2. This Order shall take effect from and after the time when it shall have been confirmed by Act of Parliament.

Borrowing powers.

3. From and after the time when this Order shall take effect it shall be lawful for the Commissioners of the township of Kingstown to borrow on a mortgage or on mortgages of the sewer rate or rates leviable by them under the Acts aforesaid, or any of them, a sum or sums of money not exceeding in the whole the sum of 10,000*l.* principal money, at such rate of interest, not exceeding five per cent. per annum, as shall be agreed upon.

Money to be repaid within 50 years.

4. Each principal sum so borrowed shall be repaid, with all interest thereon, within fifty years from the time when such principal sum shall have been borrowed; and the Commissioners shall in each year, after such time, levy a sewers rate of sufficient amount to provide for the payment of the interest on every sum of money so borrowed, and also to provide for the repayment of the principal moneys borrowed within such period of fifty years, besides providing for the other purposes to which such sewers rate is or shall be applicable.

Incorporation of the Commissioners Clauses Act, 1847, 10 & 11 Vict. c. 16.

5. The clauses of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, shall apply to mortgages executed in pursuance of this Order, and the said clauses shall for that purpose be deemed to be incorporated with this Order, and with the Act of Parliament confirming the same.

Application of moneys to be borrowed.

6. All moneys raised by the Commissioners in pursuance of the powers conferred by this Order shall be applied in the first place to defray the expenses incurred by the Commissioners in applying for and obtaining this Order; next in paying the costs and expenses incurred by the Commissioners in procuring

A.D. 1875. advances of money on mortgage in pursuance of this Order: and lastly in carrying out the works mentioned in the preamble of this Order.

Given under our hands and seal of office, this twenty-seventh day of June 1874.

(Signed) A. Power,
Vice-President.
R. M. Bellew,
Commissioner.

L.S.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF GALWAY.

Provisional Order.

16 & 17 Vict. c. cc.

Whereas by "The Galway Town Improvement Act, 1853," (herein-after called the Special Act) "The Galway Town Improvement Commissioners" (herein-after called the Commissioners) are incorporated, and by the twenty-fifth section of the Special Act, and the Acts of Parliament incorporated with the Special Act, the Commissioners are empowered to cause to be paved, drained, cleansed, lighted, watched, regulated, and otherwise improved, the town of Galway within the limits of the Special Act:

And whereas by the sixty-ninth section of the Special Act the Commissioners are authorised to levy a rate called "the Improvement Rate," not exceeding in any one year one shilling in the pound of the value of the property included in such rate, and by the seventieth section of the said Act the Commissioners are directed to apply the said improvement rate to certain purposes therein mentioned, which do not include paving and keeping in repair the roads and streets within the said town:

And whereas the only funds applicable for paving, repairing, and keeping in repair the said streets are certain tolls and duties mentioned in the schedules B. and C. of the Special Act:

And whereas five sixths of the said tolls are received by a receiver appointed by the Court of Chancery for the purpose of paying to the Galway Gaslight Company the amount of a judgment recovered by the said Galway Gaslight Company against the Commissioners, which it will take many years to satisfy, and the remaining one sixth of the said tolls is wholly inadequate to provide for paving, repairing, and keeping in repair the said streets; and the Commissioners have been obliged to incur a debt of 148*l.* 19*s.* to Samuel Ussher Roberts, of Dublin, Esq., for repairing the said streets during the periods from first August one thousand eight hundred and seventy-three to first January one thousand eight hundred and seventy-four, which they have no means of paying, and the Commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the provisions of the Local Government (Ireland) Act, 1871, and the Local Government Board (Ireland) Act, 1872,

34 & 35 Vict. c. 109.
35 & 36 Vict. c. 69.

A.D. 1875.

praying that the said Commissioners should be authorised to levy a rate of two shillings in the pound on the rateable value of property rateable within the limits of the Special Act, and to apply the moneys thus levied in aid of the said tolls, for the purpose of paving, repairing, and keeping in repair the roads and streets within the said limits, and in repaying the said sum of 148*l.* 19*s.* to the said Samuel Ussher Roberts, Esq.:

And whereas by the said petition the said Commissioners also prayed that they should be empowered to apply fourpence of each shilling of the said improvement rate leviable by them under the provisions of the said Special Act in keeping and maintaining public slaughter-houses, watch-houses, weighing machines, fire engines, watering carts, and houses for keeping the same in proper order and condition:

And whereas the Local Government Board for Ireland have caused inquiry to be made in the said town as to the genuineness of the said petition and in respect of the several matters therein mentioned, after due public notice of the time, place, and subject of the said inquiry, in pursuance of the provisions of the Local Government (Ireland) Act, 1871:

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

Short title.

1. This Order may be cited and referred to for all purposes as "The Galway Town Provisional Order, 1874."

Commencement of Order.

2. This Order shall take effect from the time when it shall have been confirmed by an Act of Parliament.

Increased rating power.

3. From and after the time when this Order shall take effect it shall be lawful for the Commissioners, in addition to all rates heretofore leviable by them from time to time, to make, assess, and levy such equal rate, to be called the "Paving and Repairing Rate," as may be necessary for the purposes to which the said rate is herein-after made applicable, not exceeding in any one year two shillings in the pound of the full net annual value of the property included in the "improvement rate," leviable by them under the provisions of the sixty-ninth section of the Special Act, the said rate to be apportioned as the poor law rate is apportioned between landlord and tenant.

Application of rate.

4. All moneys which shall come to the hands of the Commissioners from the said "paving and repairing rate" shall be applied to the following purposes:

Firstly. In defraying the expenses of the Commissioners incurred in obtaining this Order:

Secondly. In repaying to the said Samuel Ussher Roberts the said sum of 148*l.* 19*s.*, expended by him in paving and repairing the said streets as aforesaid:

Thirdly. In, from time to time and as occasion may require, paving, repairing, keeping in repair, cleansing, watering, and removing nuisances from all streets, roads, and public passages within the limits of the Special Act.

Commissioners empowered to apply fourpence of each shilling of improvement rate

5. From and after the time when this Order shall take effect, it shall be lawful for the Commissioners to apply fourpence of each shilling levied by them as and for the "improvement rate," leviable under the provisions of the sixty-ninth section of the Special Act, in providing, keeping, and maintaining

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in providing and maintaining public slaughter-houses, &c.

within the limits of the said Special Act public slaughter-houses, watch-houses, weighing machines, fire engines, and watering carts, and convenient houses or places for keeping such weighing machines, engines, and carts.

Given under our hands and seal of office, this twenty-seventh day of October 1874.

(Signed) A. Power,
Vice-President.
J. McDonnell,
R. M. Bellew,
Commissioners.

L.S.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF GALWAY.

Provisional Order.

Whereas by "The Galway Town Improvement Act, 1853," (herein-after called the Special Act) "The Galway Town Improvement Commissioners," (herein-after called the Commissioners) are incorporated and empowered to cause the town of Galway to be paved, drained, cleansed, lighted, watched, regulated, and otherwise improved within the limits of the Special Act:

And whereas by the twentieth section of the Special Act the Commissioners are empowered to borrow at interest, on the credit of the several rates or assessments by the said Act authorised to be levied, and of the markets and market-places, and the tolls, duties, rents, profits, and other property vested in the Commissioners, any sum not exceeding forty thousand pounds:

And whereas it is enacted by the twenty-second section of the said Act that all moneys borrowed on mortgage of the general fund therein mentioned shall be applied to the purposes to which the general fund is therein-after directed to be firstly, fourthly, and lastly applied and disposed of:

And whereas by the forty-second section of the said Act the Commissioners are authorised to levy the customs, tolls, and duties mentioned in Schedules B. and C. to the said Act; and by the fifty-seventh section of the said Act the Commissioners are authorised to levy such stallage, rents, and tolls as the Commissioners think reasonable and direct, not exceeding the amount set forth in Schedule D. to the said Act:

And whereas by the seventy-first section of the said Act the said tolls and duties mentioned in said Schedules B. and C., and all other moneys to be received by the Commissioners under the said Act (except the moneys to be raised from the improvement rate and the waterworks rates), are constituted the "general fund," and directed to be applied, amongst other purposes,—

Firstly. In paying off all the debts and liabilities incurred under the provisions of a statute of the sixth and seventh William the Fourth, entitled An Act for regulating and improving the town of Galway:

Fourthly. In carrying all the purposes of the said Act into execution (except the purposes to which the improvement rate and the waterworks rates are by the said Act made applicable); and,

Lastly. In paying off all moneys due on the credit of the general fund:

And whereas the said customs, tolls, rents, and duties leviable by the Commissioners, in pursuance of the Special Act, are now received by a receiver appointed by the Court of Chancery for the purpose of repaying to the Galway Gaslight Company the amount of certain judgment debts recovered by the said Company against the Commissioners, some whereof were recovered before and some since the passing of the Special Act; and five sixths of the said customs, tolls, rents, and duties are applied in payment of the said judgment debts, and one sixth thereof only is received by the Commissioners for the purposes of paving, draining, cleansing, lighting, watching, and regulating the said town:

And whereas the fact that the said customs, tolls, rents, and duties are received by such receiver, seriously interferes with the due collection and levying thereof, and the Commissioners are desirous to raise a sum of money by mortgage of the said customs, tolls, rents, and duties, or some of them, in order to pay off the sum due to the said Galway Gaslight Company, and for other purposes hereafter mentioned, but have not power to do so under the Special Act:

And whereas the said Commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the Local Government (Ireland) Act, 1871, and the Local Government Board (Ireland) Act, 1872, praying that such borrowing power should be conferred on them:

And whereas the Local Government Board for Ireland having caused inquiry to be made in the said town as to the genuineness of the said petition, and the several matters therein mentioned, after due public notice of the time, place, and subject of the said inquiry, in pursuance of the provisions of the Local Government (Ireland) Act, 1871:

And whereas it appears to the said Local Government Board for Ireland that the Special Act (being a local and personal Act within the said town) should be altered in pursuance of the provisions of the fifth section of the said Local Government (Ireland) Act, 1871, so as to enable the Commissioners to borrow the sum of 3,000*l.* in the manner and on the terms herein-after mentioned:

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

Short title.

1. This Order may be cited and referred to for all purposes as "The Galway Town Provisional Order, 1875."

Commencement of Order.

2. This Order shall take effect from the time when it shall have been confirmed by Act of Parliament.

Increase of borrowing powers.

3. From and after the time when this Order shall take effect, the said Special Act shall be altered as follows:

In addition, and without prejudice to the powers and authorities conferred by the said Special Act of borrowing and raising money by mortgage, the Commissioners shall have power, and it shall be lawful for the

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Commissioners to borrow and take up at interest, on the credit and security of the said tolls, customs, rents, and stallages mentioned in Schedules B., C., and D. of the Special Act, or any one or more of the said tolls, customs, rents, and stallages, any sum or sums of money, not exeeeding in the whole the principal sum of 3,000*l*., and at such rate and rates of interest, and on such terms as to time of repayment and otherwise in every respect as shall be agreed upon between the said Commissioners and the persons advancing such money. And the provisions of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners shall be incorporated with this Order, and apply to mortgages to be executed by the Commissioners in pursuance of this Order, provided that the prescribed part of the principal sum borrowed to be set apart every year out of the said tolls, customs, rents, and stallages, in order to discharge the said principal sum within the meaning of the eighty-fourth clause of the said statute, shall be one-twentieth part thereof, and such twentieth part thereof shall each year be set apart accordingly until the whole of the said principal sum and interest shall have been repaid and satisfied.

Application of money borrowed.

4. All moneys to be raised by the Commissioners under the powers conferred by this Order shall be applied as follows:—

Firstly. In defraying the expenses of the Commissioners incurred in obtaining this Order:

Secondly. In paying off the said judgment debts due to the Galway Gaslight Company, and all costs and expenses connected therewith:

Thirdly. In enlarging and improving the slaughter-house in the town of Galway, and in providing an office and watch-house.

Mortgagee not to see to application of money.

5. No mortgagee advancing money to the Commissioners on the security of a mortgage purporting to be granted by the Commissioners in pursuance of the powers conferred by this Order shall be bound or entitled to see or inquire as to the application of the moneys advanced by him on the security of such mortgage, and such mortgage shall be valid and effectual in all respects, notwithstanding any misapplication or non-application of the money borrowed on foot thereof.

Given under our hands and seal of office, this fifth day of February 1875.

(Signed) A. Power,
Vice-President.
J. McDonnell,
R. M. Bellew,
Commissioners.

L.S.

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