



CHAPTER ccxxxvii.

An Act for the Improvement of the Navigation of the Lough and River Erne. A.D. 1876
[15th August 1876.]

WHEREAS the improvement of the navigation of the waters known as the Lough and River Erne, in the counties of Fermanagh, Cavan, Monaghan, and Donegal, will contribute to the general prosperity, commerce, agriculture, and revenue of Ireland, and also tend to the advantage and improvement of the respective counties and districts adjoining such navigation :

And whereas certain surveys have been made whereby it appears that the whole extent of the said waters, embracing several miles of continuous navigation may be improved and thrown open, and rendered more effectually navigable by the execution of divers proposed works :

And whereas in pursuance of the Act of Parliament passed in the fifth and sixth year of the reign of Her present Majesty, chapter eighty-nine, herein-after called the Principal Act, intituled " An Act to promote the drainage of lands, and improvement of navigation and water power in connexion with such drainage, in Ireland," and of the several Acts amending and extending the same, works were heretofore contemplated for the improvement of the navigation aforesaid, and for the drainage of lands adjacent to said lake and river; and for that purpose a grant of a considerable sum of money was approved by and on behalf of the Commissioners of Her Majesty's Treasury, but by reason of the proprietors of two thirds in extent of the land then proposed to be drained not having given their assent as required by the said Principal Act, the said works were not executed :

5 & 6 Vict.
c. 89. (*Pub.*)

And whereas certain persons interested in the lands aforesaid injured by floods rising from the waters of said lough and river have, in pursuance of " The Drainage and Improvement of Lands Act (Ireland) 1863," instituted the proceedings thereby provided for constituting an elective drainage district; and it is expedient

26 & 27 Vict.
c. 88. (*Pub.*)

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that the necessary works for improving the navigation aforesaid should be executed under the direction of the drainage board to be constituted under the said last-mentioned Act, and that the cost of such navigation works should be provided for by a grant out of the public funds, not exceeding the sum of fifteen thousand pounds, such sum not being more than one half of the expenditure on the said works, and that the residue of the cost should be advanced by way of loan on the condition that the same shall be secured, to be repaid with interest at a rate of not less than four per cent. per annum as herein-after provided :

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 same :

The Drain-
age Board to
execute
works neces-
sary for the
improvement
of the
navigation.

1. That, subject to the provisions of the said Principal Act and any of the Acts amending the same, the Drainage Board for the Lough Erne Drainage District shall, when duly constituted, make, do, and execute all and every the works necessary for the improvement of the navigation of the said waters known as Lough and River Erne, in the counties of Fermanagh, Cavan, Monaghan, and Donegal, and for that purpose all the powers and authorities conferred by the said Principal Act, or any of the Acts amending the same, on the Commissioners of Public Works, (being the Commissioners for the execution of the said Principal Act,) in relation to the improvement of navigation, shall be and the same are hereby vested in the said Drainage Board, when constituted, subject however to the proviso that the execution of such works shall not be proceeded with by the said Drainage Board unless the said Drainage District shall have been duly constituted within three years from the passing of this Act, nor until the approval of the Commissioners of Public Works in Ireland, herein-after called "Commissioners," shall have been first obtained, such consent to be expressed under the hand of the secretary for the time being of the said Commissioners.

Funds pro-
vided for
expenses of
works.

2. It shall and may be lawful for the said Commissioners, out of the funds from time to time at their disposal, by and with the consent and approbation of the Commissioners of Her Majesty's Treasury, to make advances by way of grant to an amount not exceeding in the whole the sum of fifteen thousand pounds, such sum not being more than one half of the expenditure on such works ; and it also shall and may be lawful for the said Commissioners, with the like consent and approbation, to advance by way of loan

the residue of the cost of such works, such loan, with interest at a rate of not less than four pounds per centum per annum, to be repaid as herein-after provided, such grant and loan to be made subject to such rules and regulations and conditions as the said Commissioners of Her Majesty's Treasury may think proper from time to time to make.

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3. The respective grand juries of each of the counties aforesaid shall from time to time make such presentment or presentments as may be necessary for the repayment of such loan, and charged in such proportions and upon such baronies, half-baronies, or parts of baronies, and payable at such rate of interest, and in such instalments as the said Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, shall direct.

Grand juries of counties Fermanagh, Cavan, Monaghan, and Donegal to make presentments in repayment of loan.

4. The several Acts or parts of Acts mentioned and set forth in the schedule hereto, so far as their provisions relate to or are in any way connected with or applicable to the improvement of navigation and making or maintaining of navigation works, and are not expressly repealed by, inconsistent with, or varied by the provisions hereof, shall be and the same are hereby incorporated with this Act, and the term "Commissioners," or "Commissioners of Public Works" in Ireland, in any of the said Acts contained, shall extend to and include the said Drainage Board, so far as is necessary for the purpose of enabling the said Board to carry into effect the provisions of this Act.

Acts incorporated.

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SCHEDULE referred to.

Acts.	Portion of Acts incorporated.
5 and 6 Vict. c. 89. -	The whole Act, save the repealed portions or sections thereof.
9 Vict. c. 4. -	The whole Act.
16 and 17 Vict. c. 130. -	The whole Act.
18 and 19 Vict. c. 110. -	The whole Act.
19 and 20 Vict. c. 62. -	Section 30.
26 and 27 Vict. c. 88. -	The whole Act, save and except the following mentioned sections, viz., 1, 2, 3, 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 33, 34, 35, 36, 37, 38, and the repealed portions or sections thereof.
27 and 28 Vict. c. 72. -	Sections 1 and 2.
29 and 30 Vict. c. 49. -	The whole Act.
32 and 33 Vict. c. 72. -	The whole Act.
35 and 36 Vict. c. 31. -	The whole Act.
37 and 38 Vict. c. 32. -	Sections 1, 2, and 3.