

[44 & 45 VICT.] *Erne Lough and River Act*, 1881. [Ch. ccxviii.]



### CHAPTER ccxviii.

An Act to explain and amend the Erne Lough and River Acts, 1876 and 1879. A.D. 1881.  
[27th August 1881.]

WHEREAS doubts have arisen concerning the powers of the Drainage Board for the Lough and River Erne Drainage and Navigation District, acting in execution of the Erne Lough and River Acts, 1876 and 1879 :

39 & 40 Vict.  
c. ccxxxvii.  
42 & 43 Vict.  
c. ccxxii.

And it is expedient to explain and amend the said Acts :

Be it 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. From and after the passing of this Act, the drainage board for the Lough and River Erne Drainage and Navigation District, hereinafter called "the board," shall for the purpose of carrying into effect the powers vested in them by the Erne Lough and River Acts, 1876 and 1879, be in the same position, subject to the provisions of this Act, as if all the measures and proceedings preliminary to the giving of the final notice mentioned in the fortieth section of the Act of the session of Parliament of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, intituled "An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland," had been taken and observed, and such final notice had been duly given, with reference to the works to be executed under the said Erne Lough and River Act, 1876.

Preliminary proceedings shall be waived.

The works which may be executed and the lands which may be purchased by the board under the said Acts are the works and lands shown in the plans, maps, drawings, and sections, and in the schedules thereto, deposited on the twentieth day of October one thousand eight hundred and seventy-nine, in the office of the

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Deposit of plans, &c.

2. Before the board proceed to execute the said works, or to purchase any of the said lands, they shall satisfy the Commissioners of Public Works in Ireland that the following conditions have been complied with :

The board shall deposit copies of the said plans, maps, drawings, and sections, and of the schedules thereto, in the office of the clerk of the peace for the county of Fermanagh, in the town of Enniskillen, and shall give public notice that such deposit has been made by such advertisements, in such newspapers circulating in the counties of Fermanagh, Cavan, Monaghan, and Donegal, as the Commissioners of Public Works may direct. Such plans, maps, drawings, sections, and schedules, shall remain open to public inspection at all reasonable hours for the space of the two weeks next after the publication of the last of such advertisements : And the clerk of the peace shall permit copies thereof or extracts therefrom to be made by any person who desires to make the same.

Meetings of baronies to be held at Enniskillen to approve borrowing of money.

3. Special meetings shall be held in the Court House of Fermanagh at Enniskillen on some day to be appointed by the said Commissioners of Public Works, not being later than the fifteenth day of October one thousand eight hundred and eighty-one, of the justices and associated cesspayers entitled to attend at presentment sessions in and for each of the baronies mentioned in the schedule to this Act annexed, at which meetings respectively the justices and associated cesspayers present shall declare their opinion as to the expediency of borrowing the residue of the cost of executing the works authorised by the Act of 1876, beyond the grant of fifteen thousand pounds in that Act mentioned, from the Lords Commissioners of Her Majesty's Treasury.

Notice of such meetings shall be given once in each of two consecutive weeks before the day fixed for the same in some newspaper or newspapers circulating in each of the counties of Fermanagh, Cavan, Monaghan, and Donegal, and such meetings shall be held in all respects, save as to the place in which they are held, as ordinary baronial presentment sessions.

The chairman presiding at each of said meetings shall, by taking a vote in such manner as he thinks fit, ascertain and report to the Commissioners of Public Works whether the majority of the justices and associated cesspayers of the barony on behalf of which

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such meeting was held, present and voting at such meeting, assented on behalf of such baronies to the borrowing of such moneys. If at such meetings voting as aforesaid approval be given on behalf of the majority of the said baronies to the borrowing of the said moneys, the said moneys shall be borrowed by the board, and shall be advanced by the Commissioners of Public Works in Ireland with the consent of the Lords Commissioners of Her Majesty's Treasury accordingly. If from any cause no such meeting on behalf of any barony shall be held on the day appointed, or being held, shall fail to vote, such barony shall be deemed to have assented to the borrowing of such money; but nothing herein contained shall in any way prejudice or affect the provisions of section two of the *Erne Lough and River Act*, 1876.

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4. It shall not be necessary for the Commissioners of Public Works to make any draft or final award with respect to the said navigation.

No awards as to charge on counties need be made.

5. All the enactments contained in the said Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, as amended by any other Act, relative to tolls, and to the powers of the Commissioners of Public Works in respect thereof, shall apply to the said navigation and to the drainage board for the Lough and River Erne Drainage and Navigation District.

Tolls, and expenses of maintenance.

All expenses which the Commissioners of Public Works may from time to time certify to have been properly and necessarily incurred by the board in and incident to the maintenance and conservancy of the said navigation works shall, so far as the income of the navigation works shall be insufficient to defray such expenses, be presented for, without previous application to presentment sessions, by the grand juries of the counties of Fermanagh, Cavan, Monaghan, and Donegal, in such proportions, and to be levied off such baronies or parts of baronies (being baronies or parts of baronies liable, under the *Erne Lough and River Act*, 1876, as amended by this Act, to be charged with the repayment of part of the cost of the construction of the works), as the Commissioners of Public Works shall from time to time direct.

6. This Act may be cited as the *Erne Lough and River Act*, 1881.

Short title.

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SCHEDULE referred to.

<u>Name of Barony.</u>	<u>Name of County.</u>
Clanawley - - - -	- Fermanagh.
Clankelly - - - -	-        "      "
Coole - - - - -	-        "      "
Knockninney - - - -	-        "      "
Lurg - - - - -	-        "      "
Maheraboy - - - - -	-        "      "
Magherastephana - - - -	-        "      "
Tirkennedy - - - - -	-        "      "
Lower Loughtee - - - -	- Cavan.
Tirhugh - - - - -	- Donegal.
Dartree - - - - -	- Monaghan.

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