



CHAPTER cxxiv.

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 Town of Carlow. A.D. 1893.

[27th July 1893.]

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:—

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

Order in  
schedule  
confirmed.

2. As and by way of compensation to William Augustus Cooper, of Coopers Hill, and his successor in estate, as owners of the townland of Killeshin, herein-after referred to under the expression "the owner," and to all persons holding under the owner, for the taking, diverting, and appropriating the waters of the Killeshin stream, the commissioners shall, so long as they store water in the proposed Killeshin reservoir, or otherwise take any water of the said stream flowing through or by the said townland, provide a supply of water for domestic and agricultural purposes of not less than five thousand gallons per day, and shall also provide water troughs in each field at present existing in the townland of Killeshin abutting on the Killeshin stream, and shall also provide for the village of Killeshin a drinking fountain near the existing pump (the site to be selected by the owner), and keep the same supplied with a supply of not less

For protec-  
tion of W. A.  
Cooper.  
Compensa-  
tion water.

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A.D. 1893.

than two thousand gallons per day in addition to the supply of five thousand gallons herein-before provided for.

Pipes and troughs and drinking fountain to be provided.

3. The commissioners, before commencing to use for their own purposes any of the waters of the Killeshin stream, shall erect and construct and for ever after maintain the necessary pipes, troughs, and drinking fountain.

Repair of pipes, troughs, and drinking fountain.

4. If at any time such pipes, troughs, or drinking fountain be out of repair, or in an unfit condition for the purpose for which they are intended, the commissioners shall forthwith put the same in repair and proper condition, and if they fail to do so within fourteen days after notice in writing given them in that behalf, or by or on behalf of the owner or the occupiers of any lands interested in the water so to be supplied, he or they (as the case may be) may cause the same to be put in proper repair and condition, and recover the reasonable costs thereof with full costs of suit in any court of competent jurisdiction.

Settlement of disputes between commissioners and parties interested in compensation water.

5. In the event of any difference or disagreement between the commissioners and the parties interested in the water to be supplied with respect to the construction or use of any works provided for by this section, such difference or disagreement shall be settled and determined by an engineer to be named by agreement between the commissioners and such parties, or in default of agreement by the President for the time being of the Institution of Civil Engineers of Ireland, on the application of either party after seven days' written notice to the other party.

Compensation in case of failure to supply compensation water.

6. In case the commissioners omit or fail to supply or cause to be supplied the quantity of water by this Act required to flow or be supplied through the said pipes, the commissioners shall make compensation to the owner and to the occupiers of any lands on the course of the stream along which such quantity of water ought to have flowed or been supplied, who may have sustained loss by any such omission or failure, for and in respect of all such loss sustained by them respectively by reason of such omission or failure, the same to be recoverable in any court of competent jurisdiction.

Penalty for not supplying compensation water.

7. If the commissioners omit or fail to supply compensation water in manner by this Act provided, the commissioners shall, for and during every day or part of a day in which such failure shall occur, forfeit and pay by way of penalty a sum not exceeding the

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sum of three pounds to the owner, such penalty to be recoverable summarily with full costs of the proceedings. A.D. 1893.

Provided always, that if the failure or omission of the commissioners to supply or send down compensation water as by this Act provided is due to the water in the Killeshin stream falling to such a level that a daily supply of seven thousand gallons is impossible, then the above provisions for compensation or penalty shall not apply.

Nothing in this Act shall authorise the commissioners to take or divert water from any part of the estate of the owner except from the Killeshin stream.

8. This Act may be cited as the *Local Government Board Short title. (Ireland) Provisional Order Confirmation (No. 4) Act, 1893.*

A.D. 1893.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

*Carlow.*

CARLOW WATERWORKS.

PROVISIONAL ORDER.

17 & 18 Vict.  
c. 103.

42 & 43 Vict.  
c. 57.  
41 & 42 Vict.  
c. 52.

WHEREAS the Town Commissioners of the town of Carlow, elected in pursuance of the Towns Improvement (Ireland) Act, 1854 (herein-after called the sanitary authority), are the urban sanitary authority of the urban sanitary district consisting of the said town, and are constituted by the Public Health (Ireland) Amendment Act, 1879, a body corporate for the purposes of the Public Health (Ireland) Act, 1878, under the title of the sanitary authority of the sanitary district consisting of the said town :

41 & 42 Vict.  
c. 52.

And whereas the sanitary authority are about to construct waterworks for the purpose of providing a supply of water for the said town, and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board), in pursuance of the provisions 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 said purposes :

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 the Local Government Board to be proper to assent thereto :

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

Compulsory powers to take lands and 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 land otherwise than by agreement, with respect to the lands, lands covered with water, rights to take and convey water, 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, and other premises.

Restriction of power to take houses of labouring class.

2. 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 partially by persons belonging to the

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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, but have been or shall be subsequently so occupied.

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For the purpose of this section, the expression "labouring class" means and 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 family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

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 out of and by means of the general assessment rates leviable by them under the Towns Improvement (Ireland) Act, 1854.
4. The compulsory powers of taking lands given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.
5. This Order may be cited and referred to for all purposes as the Carlow Waterworks Provisional Order, 1893.

Costs of Order.

17 & 18 Vict.  
c. 103.

Duration of  
Order.

Short title of  
Order.

Given under Our Hands and Seal of Office, this Twenty-seventh day of April, in the Year of Our Lord One Thousand Eight Hundred and Ninety-three.

(L.S.)

(Signed)

GEORGE MORRIS.

H. A. ROBINSON.

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