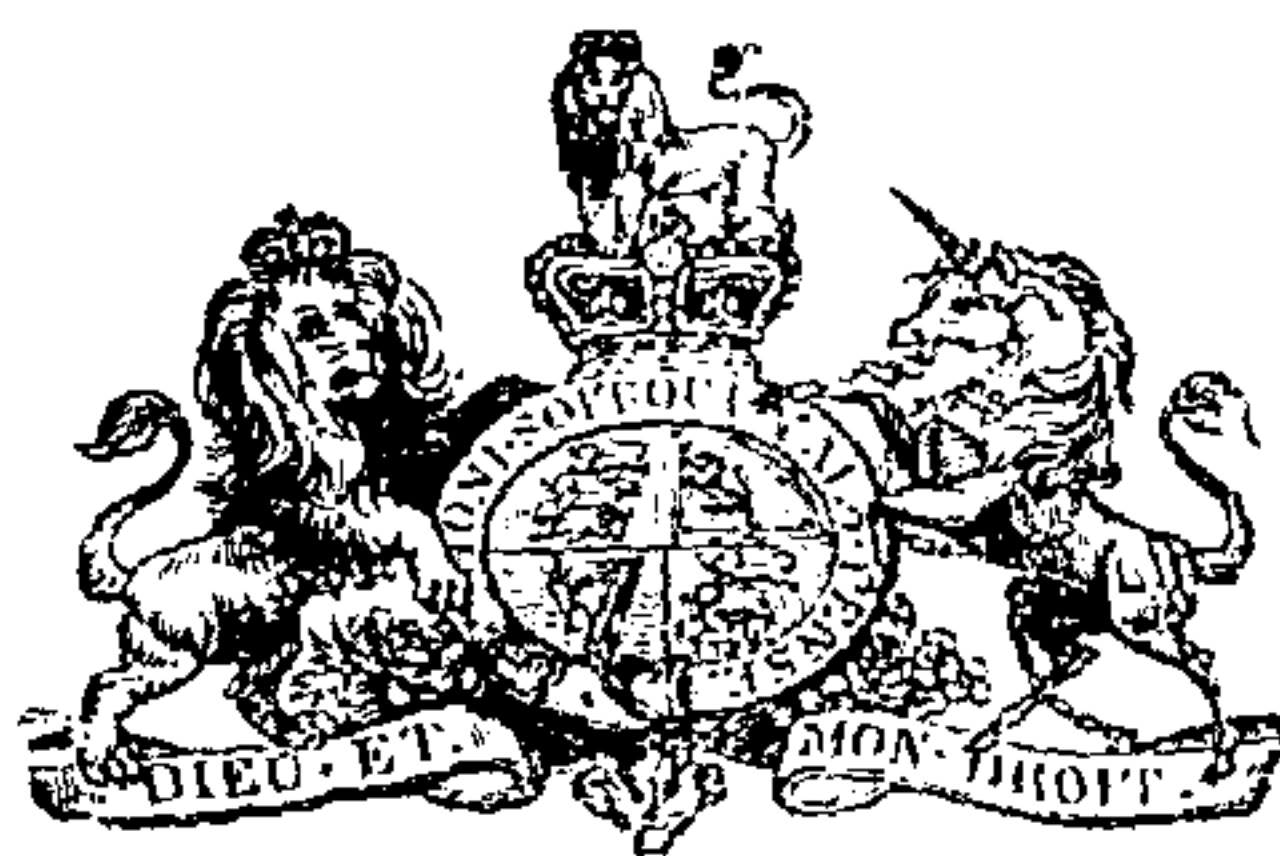


[61 & 62 VICT.] *Local Government Board* [Ch. xlii.]
(Ireland) Provisional Orders Confirmation (No. 2) Act, 1898.



CHAPTER xlii.

An Act to confirm certain Provisional Orders of the A.D. 1898.
Local Government Board for Ireland relating to Clonmel
Armagh Kildare and Baltinglass. [1st July 1898.]

WHEREAS the Local Government Board for Ireland have made
the Provisional Orders set forth in the schedule hereto :

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 set out in the schedule hereto are hereby confirmed Orders in
and all the provisions thereof shall have full validity and force. schedule
confirmed.

2. This Act may be cited as the Local Government Board Short title.
(Ireland) Provisional Orders Confirmation (No. 2) Act 1898.

A.D. 1898.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Clonmel.

BOROUGH OF CLONMEL.

PROVISIONAL ORDER.

Giving compulsory powers of purchasing lands and premises for the purposes of Part III. of the Housing of the Working Classes Act 1890 for acquiring a Quarry and making a new Street.

53 & 54 Vict.
c. 70.

WHEREAS Part III. of the Housing of the Working Classes Act 1890 has been adopted in the Borough of Clonmel and the jurisdiction powers and authority of the Grand Jury of the County of Tipperary with respect to roads bridges footpaths and public works (not being public works chargeable to the County at large) within the borough have been transferred from the said Grand Jury to the Mayor Aldermen and Burgesses of Clonmel (herein-after called the sanitary authority) and the sanitary authority have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) praying that they may be allowed 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 and premises required for carrying into execution Part III. of the Housing of the Working Classes Act 1890 and with reference to a quarry required for obtaining a supply of stones and other materials for repairing the said roads and with reference to lands and other premises required for making a new street between Irishtown and Albert Street in the said Borough:

53 & 54 Vict.
c. 70.

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:

And whereas all necessary advertisements and notices 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:—

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

Compulsory powers of purchasing lands and other premises.

land otherwise than by agreement with reference to the lands and premises described in the deposited plans and book of reference.

A.D. 1898.

Clonmel.

2. The sanitary authority shall not in the execution of this Order without the consent of the Local Government Board purchase or acquire ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Provision with respect to houses occupied by the labouring class.

- (1.)—(a.) They have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case and (b) they have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.
- (2.) The approval of the Local Government Board to any such scheme may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may approve either absolutely or conditionally of any modifications in the scheme.
- (3.) Every such scheme shall contain provisions prescribing the time within which it is to be carried out and shall require the new buildings proposed to be provided under the scheme to be completed and fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may deem fit.
- (4.) Any provisions of any such scheme and any conditions subject to which the Local Government Board may have approved of any such scheme or of any modifications thereof or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.
- (5.) If the local authority acquire or appropriate any house for the purpose of this scheme in contravention of the foregoing provisions or displace or cause to be displaced persons residing in any house in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local

[Ch. xlii.] *Local Government Board* [61 & 62 Vict.]
(Ireland) *Provisional Orders Confirmation (No. 2) Act, 1898.*

A.D. 1898.
Clonmel.

Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom provided that the Court may if it think fit reduce the said penalty.

(6.) Subject to the provisions of the scheme the local authority and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this Order all or any of the powers vested in them under the Public Health (Ireland) Acts 1878 to 1896 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of those Acts. Provided that all lands on which any buildings are erected by the local authority in pursuance of any scheme under this Order shall for a period of twenty-five years from the passing of the Act confirming this Order be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this provision. Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may deem fit.

(7.) The local authority shall if required by the Local Government Board pay to the said Board a sum to be fixed by the Board in respect of the preparation and issue of any Order made in pursuance of this section of this Order and of any expenses incurred by the Board in relation to any inquiries under this Order including the expenses of any witness summoned by the inspector holding the inquiry and a sum to be fixed by the Local Government Board not exceeding three guineas a day for the services of such inspector.

(8.) 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 such persons who may be residing with them.

Duration of compulsory powers.

3. The compulsory powers of purchasing and taking lands given by this Order shall not be exercised after the expiration of three years from the confirmation thereof.

Costs of Order.

4. The costs charges and expenses of the local authority and of the Local Government Board of and incidental to the application for preparing obtaining and confirming this Order shall be paid by the sanitary

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(Ireland) *Provisional Orders Confirmation (No. 2) Act, 1898.*

authority as part of their expenses under the Public Health (Ireland) Acts 1878 to 1896. A.D. 1898.
Clonmel.

5. This Order may be cited as the Clonmel Provisional Order 1898. Short title of Order.

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

(L.S.)

(Signed)

GEORGE MORRIS.

F. MACCABE.

H. A. ROBINSON.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

ARMAGH SEWERAGE WORKS.

Armagh.

PROVISIONAL ORDER.

WHEREAS the Town Commissioners of the Town of Armagh acting under the Towns Improvement (Ireland) Act 1854 and the Local Government Board (Ireland) Provisional Order Confirmation (No. 1) Act 1896 (herein-after called the sanitary authority) are the urban sanitary authority of the said town and are about to construct works for the sewerage and the disposal of the sewage of 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 Public Health (Ireland) Acts 1878 to 1896 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 : 17 & 18 Vict. c. 103.
59 & 60 Vict. c. ccxxxv.

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 proposed by the sanitary authority to be taken for the said purposes :

And whereas all advertisements and notices required by the Public Health (Ireland) Acts 1878 to 1896 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 :

And whereas by the Armagh Sewerage Provisional Order 1896 confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Act 1896 compulsory powers were given to the sanitary authority to purchase lands therein mentioned for the purpose of the sewerage of the town of Armagh and the sanitary authority have not exercised the said 59 & 60 Vict. c. clxii.

[Ch. xlii.] *Local Government Board* [61 & 62 VICT.]
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A.D. 1898. powers and the works proposed to be carried out for which the said lands were required have been abandoned and it is expedient that the said local Act shall be repealed.

Armagh.

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

Compulsory powers to take lands and premises.

1. 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 and premises shown on the deposited plans and book of reference.

Provision for houses occupied by 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 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 shall be subsequently so occupied. For the purpose of this Order the expression "labouring class" means and includes mechanics artisans 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.

Duration of Order.

3. The power of taking lands otherwise than by agreement given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.

Costs of Order.

4. All costs charges and expenses of and incidental to the application for making obtaining and confirming this Order shall be paid by the sanitary authority as part of their expenses incurred in the execution of the Public Health (Ireland) Acts 1878 to 1896.

Repeal of 59 & 60 Vict. c. clxii.

5. The Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Act 1896 shall be repealed save as regards any costs or expenses incurred in respect thereof by the sanitary authority or the Local Government Board before the date of this Order.

Short title of Order.

6. This Order may be cited as the *Armagh Sewerage Provisional Order 1898.*

Given under our hands and seal of office this fourth day of April in the year of our Lord One thousand eight hundred and ninety-eight.

(L.S.)

(Signed)

GEORGE MORRIS.
 F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

A.D. 1898.

TOWN OF KILDARE.

Kildare.

PROVISIONAL ORDER.

Authorising the purchase and taking of Land otherwise than by Agreement for Sewerage purposes.

WHEREAS the Guardians of the Poor of the Naas Union (herein-after called the sanitary authority) are about to construct works for the sewerage of the Town of Kildare in the rural sanitary district consisting of the said union and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) praying that they may be allowed 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 lands and premises required for the purpose of receiving storing disinfecting distributing or otherwise disposing of the sewage of the said town and providing access to the lands so to be used :

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 necessary notices and advertisements having been previously given and published 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 :—

1. From and after the confirmation of this Order by Parliament the sanitary authority shall for the purposes aforesaid 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 and premises shown in the deposited plans and book of reference. Compulsory powers to purchase lands and other premises.
2. The compulsory power of purchasing and taking land and other premises given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order by Parliament. Duration of compulsory powers.
3. The costs charges and expenses of the sanitary authority and of the Local Government Board of and incidental to the application for preparing obtaining and confirming this Order shall be paid by the Costs of Order.

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A.D. 1898.

Kildare.
Short title of
Order.

sanitary authority as special expenses in pursuance of the Public Health (Ireland) Acts 1878 to 1896.

4. This order may be cited and referred to for all purposes as the Kildare (Sewerage) Provisional Order 1898.

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

(L.S.)

(Signed)

GEORGE MORRIS.

F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Baltinglass.

BALTINGLASS BURIAL GROUND.

PROVISIONAL ORDER.

WHEREAS the Guardians of the Poor of the Baltinglass Union (herein-after called the Burial Board) are the Burial Board for the rural sanitary district consisting of the Baltinglass Poor Law Union and have determined at a special meeting convened in pursuance of the Public Health (Ireland) Acts 1878 to 1896 that an addition should be made to the existing burial ground at Baltinglass :

And whereas the Burial Board have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) in pursuance of the said Acts praying that they may be allowed 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 lands and premises required for the purpose of making such addition :

And whereas the Burial Board 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 so required :

And whereas the Burial Board have obtained the consent in writing of each owner lessee and occupier of each dwelling house nearer than one hundred yards to the lands so proposed to be taken :

And whereas all necessary advertisements and notices having been previously duly 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 :

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

1. From and after the confirmation of this Order by Parliament the Burial Board shall be empowered to put in force the powers of the

Power of
compulsory
taking of land.

[61 & 62 VICT.] *Local Government Board* [Ch. xlii.]
(Ireland) *Provisional Orders Confirmation (No. 2) Act, 1898.*

- Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands and premises shown in the deposited plan and book of reference. A.D. 1898.
Baltinglass.
2. No addition to the existing burial ground at Baltinglass shall be made within three hundred yards of any house of the annual value of fifty pounds or of any garden or pleasure ground occupied therewith except with the consent of the owner lessee and occupier thereof in writing. Provision as to houses &c.
3. The compulsory powers of taking land given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order. Duration of compulsory powers.
4. The costs and expenses of and incidental to the application for preparing obtaining and confirming this Order shall be paid by the Burial Board in the manner provided by sec. 234 of the Public Health (Ireland) Act 1878. Costs of Order.
5. This Order may be cited and referred to as the Baltinglass Burial Ground Provisional Order 1898. Short title of Order.

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

(L.S.)

(Signed)

GEORGE MORRIS.
F. MACCABE.

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