

[41 & 42 VICT.] *Corrib (Galway) River Act, 1878.* [Ch. ccxii.]



CHAPTER ccxii.

An Act for the appointment of Trustees to maintain certain works executed near the River Corrib, in the county of Galway ; and for other purposes. [8th August 1878.] A.D. 1878.

WHEREAS under an Act of the session holden in the fifth and sixth years 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 ” (herein-after referred to as “ the Act of 1842 ”), and the Acts amending the same, the Commissioners of Public Works in Ireland have executed works for the improvement of the water power of certain mills situate on each side of the River Corrib, in the county of Galway, and have made their final award, dated the fourth day of April one thousand eight hundred and sixty (herein-after referred to as “ the award of 1860 ”), specifying, among other things, the works so executed, the mills and lands (herein-after referred to as “ the mills ”) chargeable with the moneys expended on the said works, and the proportion in which the mills are to be charged for the maintenance of the said works :

And whereas by the Act of 1842 it is provided that where no navigation has been improved or formed in connexion with drainage, or where no reservoir has been constructed under the provisions of that Act, the Commissioners shall within three months at least after the date of their award call a meeting of proprietors in order to make choice of trustees for the maintenance of works executed under that Act : 5 & 6 Vict.
c. 89.

And whereas by section fourteen of an Act of the session holden in the eighteenth and nineteenth years of Her present Majesty, chapter one hundred and ten, intituled “ An Act to authorise the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland, towards the Completion of certain Navigations undertaken in connexion with

A.D. 1878.

“ Drainages, and to amend the Acts for promoting the Drainage of Lands, and Improvements in connexion therewith, in Ireland,” it is enacted that the provisions of the Act of 1842, or any of the Acts amending the same, as far as regards the appointment of trustees for the maintenance of works of drainage, and the several powers and authorities of such trustees when so appointed, shall be held and deemed equally to apply to all works of drainage, though a navigation may have been improved or formed, or a reservoir may have been formed in connexion with such drainage :

And whereas doubts have been entertained whether the said enactments authorised the appointment of trustees for the maintenance of the said works, and the time within which such appointment, if so authorised, might have been made, has long since lapsed :

And whereas it is expedient that provision be made for the appointment of trustees having power to maintain the said works, and to levy the rates necessary for the maintenance thereof :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and 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 :

Short title.

1. This Act may be cited as the *Corrib (Galway) River Act, 1878.*

Meaning of “proprietor” and “land.”

2. In and for the purposes of this Act, any person entitled to any of the mills or any part thereof for a term of years whereof fourteen or more are at the time being unexpired shall be deemed to be a proprietor of the mill or part, but, subject as aforesaid, the same persons shall be deemed to be the proprietors of the mills as are, under the Act of 1842 and the amending Acts, to be deemed the proprietors of the lands therein referred to, and the term “land” as used in those Acts shall include the mills.

Appointment and powers of trustees for maintenance of water-power works.

3. The Commissioners of Public Works in Ireland shall, within three months after the passing of this Act, or within such further time as the Commissioners of Her Majesty’s Treasury direct, call a meeting of the proprietors of the mills in order to elect trustees for the execution of this Act.

The meeting shall be called by notice inserted once in each week for three successive weeks in some newspaper or newspapers usually circulating in the vicinity of the mills and posted in the usual places for posting grand jury notices in every barony, county of a city, or county of a town in which any part of the mills is situate.

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The trustees shall be not less than three nor more than nine in number, and shall be elected by the proprietors of the greater portion of the mills in value (such value to be calculated according to the proportions in which the mills are by the award of 1860 directed to be charged for the maintenance of the works therein referred to) or by the assent of such proprietors certified in writing under their hands in books to be kept for the purpose. A.D. 1878.

The trustees for the time being under this Act shall have full power to repair, support, alter, and maintain the works specified in the award of 1860, and for that purpose to execute all such works as they think necessary or expedient, and to raise the requisite money by means of maintenance rates levied on the proprietors of the mills : Provided always, that no alteration of the said works or any part of them shall be made without the previous sanction in writing of the said Commissioners of Public Works in Ireland.

The trustees under this Act shall be styled the Galway Mills Trustees. They may sue or be sued in the name of their secretary or engineer for the time being, and any legal proceedings taken by or against them shall not abate by reason of their secretary or engineer dying or ceasing to hold office.

Subject to the provisions of this Act, all the provisions of the Act of 1842 and the amending Acts with respect to the election, tenure of office, powers, rights, privileges, duties, and liabilities of trustees elected or appointed under the Act of 1842 shall apply to the trustees under this Act.