



CHAPTER IV.

An Act to confirm a Provisional Order of the Local Govern- A.D. 1886.
ment Board for Ireland relating to the Town of Fermoy.
[25th June 1886.]

WHEREAS the Local Government Board for Ireland have
made the Provisional Order set forth in the Schedule hereunto
annexed, under the provisions of the Public Health (Ireland) Act, 41 & 42 Vict.
1878 : c. 52.

And whereas it is requisite that the said Order should be con-
firmed 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 hereunto annexed shall be The Pro-
and the same is hereby confirmed, and all the provisions thereof visional
shall, from and after the passing of this Act, have full validity and Order in
force. Schedule
confirmed.

2. This Act may be cited as the Local Government Board Short title.
(Ireland) Provisional Order Confirmation (Fermoy) Act, 1886.

[Ch. iv.] *Local Government Board (Ireland) [49 & 50 Vict.]
Provisional Order Confirmation (Fermoy) Act, 1886.*

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

*Town of
Fermoy.*

TOWN OF FERMOY.

PROVISIONAL ORDER.

17 & 18 Vict.
c. 103.

41 & 42 Vict.
c. 52 s. 206.

WHEREAS the Town Commissioners of the town of Fermoy, in the county of Cork, elected in pursuance of the Towns Improvement (Ireland) Act, 1854, being the Urban Sanitary Authority of the Urban Sanitary District consisting of the said town, have made an application to the Local Government Board for Ireland for a Provisional Order, in pursuance of the 206th section of the Public Health (Ireland) Act, 1878, to transfer from the grand jury of the county of Cork to the said Urban Sanitary Authority the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said district vested in the said grand jury under any Act or Acts :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board for Ireland have considered the said application, and it appears to the Board to be proper to make this Order in relation thereto :

It is ordered by the Local Government Board for Ireland as follows :

Transfer of
jurisdiction
over roads, &c.
from the grand
jury to the
Urban Sanitary
Authority.

1. From and after the time of the confirmation of this Order by Parliament, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works (except public works chargeable to the county at large) within the said Urban Sanitary District vested in the grand jury of the county of Cork under any Act or Acts shall be transferred from the said grand jury to the said Urban Sanitary Authority; and it shall not be lawful for the said grand jury after such transfer to make any presentment with regard to any road, bridge, footpath, or other public work within the said district (except bridges and other public works chargeable to the said county at large), nor shall any land or premises within the said district be liable to grand jury cess in respect to any presentment for roads, bridges, footpaths, or public works (except bridges and other public works chargeable to the said county at large).

Provision for
maintenance
of bridge.

2. And whereas the bridge over the River Blackwater, in the said town of Fermoy, has been built and is maintained by the grand jury of the county of Cork by means of presentments levied on the said county of Cork at large: It is further ordered, that, notwithstanding anything in this Order, the structure and masonry of the said bridge shall continue to be maintained and repaired by the said grand jury by means of presentments levied on the said county of Cork at large. From and after the time of the confirmation of this Order by Parliament, the roadway and footpaths over and on the said bridge shall be macadamized, paved, cleaned, and maintained by the said Urban Sanitary Authority.

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3. This Order shall not affect in any way the levying and enforcement of the payment of grand jury cess, or of arrears (if any) of grand jury cess due at the time of the confirmation of this Order; nor shall this Order affect any contract for the execution of any public work within the said district in force and unperformed at the time of the confirmation of this Order; all such contracts shall be executed and carried out in all respects, and all moneys payable in respect of such contracts, shall be raised, levied, and paid, in the same manner as if this Order had not been made.

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Provision for levying arrears of grand jury cess, and for existing contracts.

4. From and after the time of such transfer, the secretary of the grand jury of the county of Cork shall, within one month after the first day of each assizes, furnish to the clerk of the Town Commissioners of the town of Fermoy a certificate signed by the said secretary, stating the amount of grand jury cess payable in respect of rateable premises situated within the said town on account of presentments chargeable to the said county at large, which amount shall be a sum bearing the same proportion to the total amount of presentments for works chargeable to the said county at large (but not including the salaries of the treasurer of the county, the secretary of the grand jury, the county surveyors, their clerks and assistants) as the value of premises rateable for grand jury cess within the said town bears to the total valuation, for such purposes, of the said county. The said Urban Sanitary Authority shall, within one month after the delivery of such certificate, pay the amount thereof to the treasurer of the said county, whose receipt shall be a sufficient discharge for the same, or (when a banking company shall have been appointed to act as treasurer for the said county in pursuance of the provisions of the 30th and 31st Victoria, chapter 46) lodge such amount in the bank of the said banking company on the receipt of the officer of the said bank authorised to give receipts in pursuance of the said Act, and such receipt shall be a sufficient discharge to the said town commissioners for the payment of the amount of such certificate. If the said Urban Sanitary Authority shall at any time fail to lodge within the time herein-before mentioned the amount so certified by the secretary of the grand jury, the liability of owners and of occupiers of premises within the said town to pay grand jury cess shall be revived to the extent necessary for levying the amount of such certificate, and such owners and occupiers shall be liable to pay grand jury cess in respect of the presentments included in the certificate, and such payment shall be enforced in the same manner in every respect as if this Order had not been made.

Provision or payment of grand jury cess.

5. In the case of any presentment to which, if filed, the Sanitary Authority shall be bound to contribute under the provisions herein-before contained, the Sanitary Authority may traverse such presentment, and such traverse shall be dealt with and tried in all respects in the same manner as other traverses of presentments.

Power to traverse presentments.

6. Whereas under the provisions of the Statute 6th and 7th William IV., chapter 116, sections 50 and 51, the expenses of widening, narrowing, fencing, gravelling, macadamizing, paving, repairing, or otherwise improving any public road on which Her Majesty's mails are carried, and of filling up gries and trenches on the sides of any such roads, and making sufficient fences instead thereof, or for filling dykes or holes on the sides of any such road, or for making, widening, or deepening drains on the sides of any such road, and carrying off water therefrom, have

Provisions as to mail car roads.

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been levied, one half off the county at large and one half off the barony or baronies where such road or any part thereof is situated : It is ordered that one half of such expenses in respect of such roads or parts of roads in the said town of Fermoy shall, notwithstanding the making of this Order, continue to be presented for and levied off the said county at large.

The clerk of the Sanitary Authority shall, one month before the Spring Assizes in each year, furnish to the secretary of the grand jury a certificate of the amounts expended on such expenses during the preceding year, and one half of such amount shall be presented for at the ensuing Spring Assizes. And the amount then presented may be deducted from the sum to be paid to the treasurer of the county or to be lodged with the banking company appointed to act as treasurer of the county in pursuance of this Order, or else shall be paid by such treasurer to the said Sanitary Authority.

Contributions
to expenses of
roads in sur-
rounding
barony.

7. The Sanitary Authority shall contribute as follows to the cost of maintaining the roads and footpaths in the part of the barony of Condons and Clangibbon surrounding and adjoining the said town:—The Sanitary Authority shall from time to time pay one sixth of the amount which shall from time to time be presented to be leviable and raised off the said barony for the repairs of the following roads and pathways adjoining the said town, viz. :—The part of the mail carriage road from Fermoy to Mitchelstown between the town boundary at the Military Hospital and the barony boundary at Kilcrumper Road ; the part of the road from Fermoy to Ballyhooly between the town boundary in the townland of Grange East and the barony boundary at Castlehyde Road ; the part of the road from Fermoy to Lismore between the town boundary at the gas-house, Fermoy, and Careysville Gate ; the part of the road from Fermoy to Lismore between the town boundary on Rathhealy Road and Ballyfane Bridge ; the part of the road from Fermoy to Rathcorrack between the town boundary at Springfield House and the boundary of the barony at Coolcorrin ; the part of the mail carriage road from Fermoy to Ballyhooly between the town boundary on the Duntahane Road and the barony boundary at Castlehyde ; the part of the old road from Fermoy to Castlelyons between the town boundary at Knockree and the barony boundary at Ballyoran. Such one sixth shall be paid by the Sanitary Authority to the treasurer of the said grand jury on his receipt, or lodged with the banking company appointed to act as treasurer of the said county within one month after such expenses shall have been presented to be paid at each assizes.

Representation
of Sanitary
Authority at
presentment
sessions.

8. The Sanitary Authority shall be represented at the presentment sessions of the said barony of Condons and Clangibbon by the chairman for the time being of the said Town Commissioners and by two others of the said Town Commissioners to be nominated by the said Town Commissioners at the first ordinary meeting of the Town Commissioners which shall take place in each year ; and each Town Commissioner so nominated shall continue, with the said chairman for the time being, to represent the Sanitary Authority at the presentment sessions until the next annual nomination of Town Commissioners for that purpose, unless he shall previously die or cease to be a Town Commissioner of the said town. In the event of any Town Commissioner so nominated dying or ceasing to be a Town Commissioner during the year for which he shall have been nominated, the Sanitary Authority at an ordinary meeting held within one month after the occurring of such vacancy shall nominate a Town Commissioner

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to fill such vacancy, and the Town Commissioner thus nominated shall, with the chairman for the time being and the other nominated Town Commissioner, represent the Sanitary District at the presentment sessions until the next annual nomination of Town Commissioners to represent the said district. The chairman and the two Town Commissioners representing the said district in pursuance of the provisions herein-before contained shall, each of them, have the same rights, powers, and authority as a cess-payer associated with the justices of the county at such sessions in pursuance of the Statute 6th and 7th William IV., chapter 116, section 9, and shall, previous to acting at such sessions, make and subscribe in open court the declaration marked B. in Schedule Z. to that Act.

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9. In order to enable the said Town Commissioners to defray the expenses consequent upon and incident to the transfer of authority herein-before provided for and ordered, it shall be lawful for the said Town Commissioners, and they are hereby empowered, to assess, levy, and raise from time to time after this Order shall have been confirmed by Act of Parliament, in addition to the rates which the said Commissioners are now empowered to raise and levy, a rate sufficient for defraying such expenses, not exceeding one shilling and sixpence in the pound of rateable value of rateable premises in the said town, which rate shall be leviable along with general rates, and shall be (for the purposes of being assessed, raised, and levied) an addition to the general rates levied in pursuance of the Towns Improvement (Ireland) Act, 1854, section 60, and such increased rate shall be assessed, raised, levied, and payable in like manner in all respects as such general rates are now assessed, payable, and levied.

Additional
rating powers.

10. This Order shall not affect the rights, powers, or duties of the said grand jury in respect of the applotting, levying, and raising within the said Sanitary District any sum or sums of money which may from time to time become leviable in respect of any guarantee given before the date of this Order by any presentment duly made and confirmed in pursuance of the Tramways and Public Companies (Ireland) Act, 1883.

Order not to
affect guaran-
tees given
under the
Tramways Act,
1883.

11. This Order may be cited and referred to for all purposes as the Town of Fermoy Provisional Order, 1886.

Short titles of
Order.

Sealed with our Seal, this fourteenth day of January, in the Year of
Our Lord one thousand eight hundred and eighty-six.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.
GEORGE MORRIS.

