

[51 & 52 VICT.] *Local Government Board (Ireland) [Ch. cxxiv.]*  
*Provisional Orders Confirmation (Ballymoney, Clones, and*  
*Tuam) Act, 1888.*



**CHAPTER cxxiv.**

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Ballymoney, Clones, and Tuam. A.D. 1888.  
[24th July 1888.]

**W**HEREAS the Local Government Board for Ireland have, as regards the above-named places, made the Provisional Orders set forth in the schedule hereunto annexed, under the provisions of the Public Health (Ireland) Act, 1878 :

41 & 42 Vict.  
c. 52.

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 hereunto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. Provisional  
Orders in  
schedule  
confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Ballymoney, Clones, and Tuam) Act, 1888. Short title.

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A.D. 1888.

*Ballymoney.*

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF BALLYMONEY.

*Provisional Order.*

17 & 18 Vict.  
c. 103.

WHEREAS there are, in the town of Ballymoney, in the County Antrim, Town Commissioners under the Towns Improvement (Ireland) Act, 1854

And whereas the population of the said town, according to the last Parliamentary census, is less than 6,000, and the said town is situate within and forms part of the rural sanitary district consisting of the Ballymoney Poor Law Union (herein-after called the rural sanitary district):

41 & 42 Vict.  
c. 52. s. 4.

And whereas by a deed of mortgage dated the 24th day of May 1880, from the guardians of the poor of the Ballymoney Union (herein-after called the rural sanitary authority) to the Commissioners of Public Works in Ireland, reciting that the said Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury, and on the recommendation of the Local Government Board for Ireland (herein-after called the Local Government Board), had agreed to lend to the rural sanitary authority the sum of 1,400*l.* for the purpose of providing a burial ground at Ballymoney, the rural sanitary authority mortgaged the rates leviable by the said authority throughout the Ballymoney, Enagh, Seacon, and Stranocum electoral divisions of the rural sanitary district, to secure repayment to the said Commissioners of Public Works of the said sum of 1,400*l.*, with interest at the rate of 4*l.* per centum per annum, in 70 half-yearly instalments, to be calculated in the manner provided by the said deed of mortgage, and to be paid on every first day of May and first day of November, until the whole of the said sum of 1,400*l.* and interest thereon should be paid off:

And whereas by a further deed of mortgage, dated the 3rd December 1883, from the rural sanitary authority to the said Commissioners of Public Works, reciting that the said Commissioners of Public Works, with the consent of the Lords Commissioners of Her Majesty's Treasury, and on the recommendation of the Local Government Board, had agreed to lend to the rural sanitary authority the further sum of 400*l.* for the purpose of providing a burial ground and defraying the cost of enclosing the old cemetery at Ballymoney, the rural sanitary authority mortgaged the rates leviable by the said authority throughout the said several electoral divisions to secure repayment to the said Commissioners of the said sum of 400*l.*, and interest at the rate of 4*l.* per centum per annum, in 70 half-yearly instalments, to be calculated in the manner provided by the said deed of mortgage, and to be paid on every first day of May and first day of November



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until the whole of the said sum of 400*l.* and the interest thereon should be paid off: A.D. 1888.

And whereas by the Ballymoney Waterworks Provisional Order, 1882, confirmed by the Local Government Board (Ireland) (Dublin, &c.) Provisional Orders Confirmation Act, 1882, the rural sanitary authority was 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 certain lands and premises for the purpose of constructing waterworks and of supplying water to the said town of Ballymoney: *Ballymoney.*  
45 & 46 Vict.  
c. lxvi.

And whereas the rural sanitary authority have purchased and acquired the said lands and premises, and have constructed the said waterworks, and the said waterworks, lands, and premises are now vested in the rural sanitary authority:

And whereas by a deed of mortgage dated the 24th September 1883, from the rural sanitary authority to the said Commissioners of Public Works, reciting that the said Commissioners of Public Works, with the consent of the Commissioners of Her Majesty's Treasury, and on the recommendation of the Local Government Board, had agreed to lend to the rural sanitary authority the sum of 6,000*l.* for the purpose of constructing the said waterworks, the rural sanitary authority mortgaged the rates leviable by the rural sanitary authority throughout the townlands or portions of townlands comprised within the municipal boundary of the said town of Ballymoney to secure repayment to the said Commissioners of Public Works of the said sum of 6,000*l.* with interest thereon at the rate of 4*l.* 5*s.* per centum per annum, in 100 half-yearly payments, to be calculated in the manner provided by the said deed of mortgage, and to be paid on every first day of May and first day of November until the said sum of 6,000*l.* and the interest thereon should be paid off:

And whereas the Town Commissioners of the said town of Ballymoney have presented a petition to the Local Government Board in pursuance of the Public Health (Ireland) Act, 1878, praying that the said town may be separated from the rural sanitary district and constituted an urban sanitary district: 41 & 42 Vict.  
c. 52. s. 7.

And whereas all advertisements required by the Public Health (Ireland) Act, 1878, have been published, and the rural sanitary authority have at a special meeting unanimously resolved that they see no objection to the proposed separation of the town of Ballymoney from the rural sanitary district: 41 & 42 Vict.  
c. 52. s. 214.

And whereas upon the constitution of the town of Ballymoney as an urban sanitary district all powers, rights, and duties of supplying the said town with water will be transferred from the rural sanitary authority to the urban sanitary authority of the said town, and it appears to the Local Government Board that it is therefore expedient that the said waterworks should be transferred to and vested in the urban sanitary authority in the manner and on the terms hereinafter mentioned, and also that the several provisions herein-after contained should be made with respect to the said several mortgage debts contracted by the rural sanitary authority:

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

1. From and after the time of the confirmation of this Order by Parliament, the said town of Ballymoney shall be separated from the rural sanitary district and shall be constituted an urban sanitary district, subject to Constitution  
of urban sani-  
tary district.



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Transfer of  
waterworks to  
urban sanitary  
authority.

Contribution of  
urban sanitary  
authority for  
payment of  
debts con-  
tracted by  
rural sanitary  
authority.

all the provisions of the Public Health (Ireland) Act, 1878, the Public Health (Ireland) Amendment Act, 1884, and of all other Acts affecting urban sanitary districts.

2. From and after the time of the confirmation of this Order by Parliament the said waterworks, lands, and premises shall be transferred from the rural sanitary authority, and shall be vested in and become the property of the sanitary authority of the urban sanitary district consisting of the said town of Ballymoney and their successors in fee simple for the purpose of supplying the said town with water.
3. The urban sanitary authority shall contribute to the payment of the moneys which shall remain due at the time of the confirmation of this Order by Parliament, or which shall become due after that time, in respect of the said mortgage debts contracted for the purposes of the said burial ground and cemetery, and secured by the said mortgages of the 24th day of May 1880 and the 3rd day of December 1883, a sum bearing the same proportion to the whole amount of the said debts remaining or becoming due as the valuation in pursuance of the Acts for the valuation of rateable premises in Ireland, of the rateable premises included within the boundaries of the town of Ballymoney bears to the valuation in pursuance of the said Acts, of the whole of the rateable premises contained in the said electoral divisions of Ballymoney, Enagh, Seacon, and Stranocum mentioned in the said mortgages. And the urban sanitary authority shall pay the whole of the moneys which shall remain due at the time of the confirmation of this Order by Parliament, or become due after that time in respect of the said mortgage debt contracted for the purposes of the said waterworks and secured by the said mortgage of the 24th of September 1883. Such contribution and payment shall be made by the urban sanitary authority in the manner following :—

The urban sanitary authority shall on each first day of November and first day of May after the confirmation of this Order by Parliament, pay to the rural sanitary authority a sum equal to the total amount of the proportionate parts (calculated in the manner aforesaid) of the instalments due on that day in respect of the said mortgages of the 24th day of May 1880 and the 3rd day of December 1883, together with the whole of the instalment due on that day in respect of the said mortgage of the 24th September 1883, and the rural sanitary authority shall apply the moneys so paid to them in part discharge of the said instalment due on each such day in respect to the said mortgages of the 24th day of May 1880 and the 3rd day of December 1883, and in full discharge of the instalment due on such day in respect of the said mortgage of the 24th September 1883 and in relief of the rates which would otherwise be applicable by the rural sanitary authority in payment of such instalments respectively. Provided always that the amount to be paid by the urban sanitary authority to the rural sanitary authority on whichever of the said days shall occur first after the

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confirmation of this Order shall be an apportioned part only of the sum which in pursuance of the provisions herein-before contained should be paid on such day, calculated in proportion to the time which shall intervene between the time of the confirmation of this Order by Parliament and such first day of payment.

A.D. 1888.

*Ballymoney.*

4. This Order shall not in any way affect or impair the security of the said Commissioners of Public Works under the said mortgages of the 24th of May 1880, the 24th of September 1883, and the 3rd of December 1883, or under any of the said mortgages, nor the right or power of the said Commissioners of Public Works to enforce payment of the said mortgage debts, nor of any or either of them, nor of any instalments thereof that may at any time hereafter be due or owing out of or by means of any of the rates mentioned in and mortgaged by the said mortgages respectively; nor shall this Order in any way affect or impair the powers of the rural sanitary authority to make and levy any rate or rates (which it may be necessary to raise and levy) for the purpose of raising the amount of such instalments and paying the same from time to time to the said Commissioners of Public Works.

Charge of the  
Commissioners  
of Public  
Works not to  
be affected or  
impaired.

5. All costs, charges, and expenses of and incidental to the application for, preparation of, and confirmation of this Order, shall be paid by the urban sanitary authority of the urban sanitary district constituted by this Order.

Costs and  
expenses of  
Order.

6. All moneys payable by the urban sanitary authority by way of contribution to or payment of the instalments of the said mortgage debts or of any of them, and in respect of the costs, charges, and expenses of this Order, shall be raised and levied by the urban sanitary authority in the manner provided by section 226 of the Public Health (Ireland) Act, 1878, for the defrayment of sanitary expenses by town commissioners under the Towns Improvement (Ireland) Act, 1854, acting as urban sanitary authorities, in pursuance of the said Public Health (Ireland) Act, 1878.

Fund from  
which the ex-  
penses of the  
urban sanitary  
authority are to  
be provided.

7. This order may be cited and referred to for all purposes as the Ballymoney Town Provisional Order, 1888.

Short title of  
order.

Given under our hands and seal of office this third day of May in the year of our Lord one thousand eight hundred and eighty-eight.

(Signed) HENRY ROBINSON.  
 GEORGE MORRIS.  
 F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

*Clones.*

TOWN OF CLONES.

*Provisional Order.*

WHEREAS there are, in the town of Clones, Town Commissioners under the Towns Improvement (Ireland) Act, 1854 :

17 & 18 Vict.  
c. 103.



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A.D. 1888.

*Clones.*  
41 & 42 Vict.  
c. 52. s. 4.

41 & 42 Vict.  
c. 52. s. 7.

And whereas the population of the said town, according to the last Parliamentary census, is less than 6,000 and the said town is situated within and forms part of the rural sanitary district consisting of the Clones Poor Law Union :

And whereas the said Town Commissioners 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) Act, 1878, section 7, praying that the said town may be separated from the said rural sanitary district and constituted an urban sanitary district :

And whereas all advertisements and notices required by the said Act have been duly published and given, and no person has made any objection to the prayer of the said petition, and it appears to the Local Government Board to be proper to assent thereto :

And whereas at a meeting of the guardians of the poor of the Clones Union held on the fifth day of April 1888, it was unanimously resolved that the said guardians saw no objection to the Clones Town Commissioners becoming an urban sanitary authority :

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

Constitution of  
urban sanitary  
district.

1. From and after the time of the confirmation of this Order by Parliament the said town of Clones shall be separated from the rural sanitary district consisting of the Clones Poor Law Union, and shall be constituted an urban sanitary district, subject to the provisions of the Public Health (Ireland) Act, 1878 ; the Public Health (Ireland) Amendment Act, 1879 ; and the Public Health (Ireland) Amendment Act, 1884, affecting urban sanitary districts.

Costs and  
expenses of  
Order.

2. All costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order and otherwise in relation thereto, shall be paid by the said Town Commissioners as the urban sanitary authority of the urban sanitary district constituted by this Order.

Short title of  
Order.

3. This Order may be cited and referred to for all purposes as the Clones Town Provisional Order, 1888.

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

(Signed) HENRY ROBINSON.  
GEORGE MORRIS.  
F. MACCABE.

*Tuam.*

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TUAM WATERWORKS.

*Provisional Order.*

WHEREAS the guardians of the poor of the Tuam Union (herein-after called the sanitary authority) are about to construct waterworks for the purpose of supplying water for drinking and domestic purposes to the town of Tuam,

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situated within and forming part of the rural sanitary district consisting of the Tuam Poor Law Union, 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) Act, 1878, praying to 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 certain lands and premises required for the purposes of the said works :

A.D. 1888.

*Tuam.*

41 & 42 Vict.  
c. 52. ss. 61,  
202, and 203.

And whereas the sanitary authority has deposited in the office of the Local Government Board in Dublin, plans, and a book of reference referring thereto (herein-after called the deposited plans and book of reference), showing the works intended to be executed, and the lands, easements, lands covered with water, and right to take and convey water required for the purpose of the said works :

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 has 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 said Board to be proper to assent thereto :

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

1. From and after the time of 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 all the lands, easements, lands covered with water, and right to take and convey water described in the deposited plans and book of reference.
2. In this Order the expression “the Lands Clauses Acts” means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act; and the words “land” and “lands” in the said Acts shall, for the purposes of this Order, extend to and include messuages, buildings, lands, easements, and hereditaments of any tenure, and also water, lands covered with water, and rights to take and convey water.
3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.
4. All the costs, charges, and expenses of and incidental to the application for, preparing, obtaining, and confirming this Order and otherwise in relation thereto, shall be deemed to be special expenses of the sanitary authority, and shall be paid by the sanitary authority, and charged upon the area of charge declared by the Order of the Local Government Board of the 6th March 1888 to be the area of charge for expenses incurred for the purpose of supplying the said town of Tuam with water.

Compulsory  
powers to take  
lands, ease-  
ments, and  
water.

Interpretation  
of terms.

Duration of  
Order.

Provision for  
costs and  
expenses.



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A.D. 1888.

*Tuam.*  
Short title of  
Order.

5. This Order may be cited and referred to for all purposes as the Tuam Waterworks Provisional Order, 1888.

Given under our hands and seal of office this third day of May, in the year of our Lord one thousand eight hundred and eighty-eight.

(Signed) HENRY ROBINSON.  
GEORGE MORRIS.  
F. MACCABE.

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