



## CHAPTER ccv.

An Act for extending the time for the completion of the works by a Provisional Order made in pursuance of the Drainage and Improvement of Lands Act (Ireland) 1863 and the Acts amending the same and confirmed by the Drainage and Improvement of Lands Supplemental Act (Ireland) 1878 authorised to be executed within the River Suck Drainage District constituted by such Order and for other purposes. [26th August 1889.]

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WHEREAS by a provisional order dated the twenty-seventh day of February one thousand eight hundred and seventy-eight (in this Act called "the order of 1878") and made by the Commissioners of Public Works in Ireland (in this Act called "the Commissioners") in pursuance of the Drainage and Improvement of Lands Act (Ireland) 1863 (in this Act called "the Act of 1863") and the Acts amending the same and confirmed by the Drainage and Improvement of Lands Supplemental Act (Ireland) 1878 the River Suck drainage district (in this Act called "the district") was constituted a separate drainage district:

And whereas by the order of 1878 the time for the completion of the necessary works in the district was limited to the first day of January one thousand eight hundred and eighty-four and such time was subsequently extended by the Commissioners to the first day of January one thousand eight hundred and eighty-seven:

And whereas by the River Suck Drainage Act 1886 (in this Act called "the Act of 1886") the time for the completion of the said works was extended to the first day of January one thousand eight hundred and eighty-nine and for such additional period as the Commissioners might by order direct:

And whereas the Commissioners have granted an order under the power vested in them by the Act of 1886 and the time now limited for the completion of the said works is the first day of January one thousand eight hundred and ninety and the time cannot be extended

A.D. 1889. beyond the first day of January one thousand eight hundred and ninety-two :

And whereas it is of great importance that such works be completed and it is impracticable to complete the same by the first day of January one thousand eight hundred and ninety-two in consequence of the difficulties attending the execution thereof and it is expedient that a further extension of time for the completion of the said works be provided for by this Act :

And whereas it is also expedient that further borrowing powers should be conferred upon the Board :

And whereas by the Act of 1886 seven members representing occupiers were added to the drainage board for the district (in this Act called "the Board") of twenty-one members representing proprietors as constituted under the order of 1878 and it is expedient that the constitution of the Board be altered so as to consist of fourteen members representing proprietors and fourteen members representing occupiers and that such members be qualified and be elected annually by persons qualified as in this Act provided :

And whereas it is expedient that the Commissioners do divide the district into seven divisions and that two of the fourteen members representing occupiers be elected for each of such divisions :

And whereas the objects of this Act cannot be effected 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 River Suck Drainage Act 1889.

Definitions. **2.** In this Act unless the context otherwise requires the following expressions and words shall have the meanings hereby assigned to them :—

The expression "the Lord Lieutenant" includes the Lords Justices or any other chief governor or governors of Ireland for the time being.

The expression "the Treasury" means the Lords Commissioners of Her Majesty's Treasury.

The word "person" includes a body of persons corporate or not corporate.

The words "land" and "watercourse" have respectively the meanings attached thereto in the Act of 1863.

3. The time limited by the order of 1878 for the completion of the works thereby authorised as extended by the Commissioners under the power in that behalf conferred upon them by the Act of 1863 and further extended by the Act of 1886 and further extended by the Commissioners under the power in that behalf conferred upon them by the Act of 1886 is by this Act further extended to the first day of January one thousand eight hundred and ninety-three and for such additional period not exceeding three years as the Commissioners may by order direct and which order they are hereby authorised and empowered to grant and the several powers and privileges now in force relating to the district and the Board shall continue in force until the first day of January one thousand eight hundred and ninety-three and until the expiration of any further period authorised by an order made by the Commissioners in pursuance of this Act.

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Extension  
of time for  
completion  
of works  
authorised  
by the order  
of 1878.

4. The Lord Lieutenant may by Order in Council declare that such baronies and townlands in the counties of Galway and Roscommon as are in that behalf mentioned in the Order shall be deemed for the purposes of this Act to form the catchment area of the River Suck and those baronies and townlands are in this Act referred to as "the contributory area."

Declaration  
of catchment  
area.

5. For the purpose of defraying in part the costs charges and expenses before or after the passing of this Act incurred by the Board and by the Act of 1863 and the Acts amending the same authorised to be defrayed by the Board the Board may borrow from the Commissioners to an amount which together with the amount of advances made by them by way of loan to the Board before the passing of this Act shall not exceed in the whole one hundred and fifteen thousand pounds on the securities hereafter in this Act mentioned.

Provision of  
money.

6. The repayment with interest of all sums borrowed by the Board in pursuance of the Act of 1863 and the Acts amending the same or of this Act shall be secured in the manner following:—

Securities  
for repay-  
ment of  
advances.

(a) The sum of thirteen thousand pounds shall be secured in the manner provided by this Act upon the county cess of the baronies and townlands in the contributory area.

(b) A further sum shall be secured in the manner provided by this Act by an annuity charged upon the interests of the occupiers in the lands drained and improved by the works executed by the Board (which annuity and lands are hereinafter respectively referred to as "the occupiers annuity" and "the lands specially benefited" respectively).

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(c) The remainder of the sums borrowed shall be secured in the manner provided by this Act upon the lands specially benefited and the townlands of which such lands form part (herein-after referred to as "the proprietors annuity").

Amount chargeable on county cess.

7. When from time to time any money is borrowed by way of loan by the Board for the purposes aforesaid the repayment of so much thereof but not exceeding in the whole thirteen thousand pounds as the Commissioners shall determine shall be a charge upon the county cess of the baronies and townlands liable to contribute to such repayment which charge shall commence to be paid at the times provided by this Act.

Charge on county cess.

8. From the date of each advance the county cess of the baronies and townlands, liable to contribute shall be charged with the payment to the Commissioners of an annuity of four and a half per cent. on the portion of the advance charged on the county cess of those baronies and townlands respectively by the Commissioners under this Act and the annuity shall be payable for forty years and shall be paid by equal half-yearly payments on such days as the Commissioners shall direct. The annuity shall be paid by means of an addition to the county cess levied from time to time in the said baronies and townlands.

Draft award to be made apportioning proprietors annuity and occupiers annuity.

9. As soon as conveniently may be after the works have been completed or before their completion if the Commissioners think fit the Commissioners shall prepare a draft award in which they shall set forth the total amounts of the proprietors annuity and occupiers annuity respectively and declare the same to be charged upon the lands therein mentioned and by means of schedules to the said award the several particulars specified in the First and Second Schedules respectively to this Act and shall also set forth such other matters and things as to the Commissioners shall seem fit and proper. Provided however that the annuity by the said award declared to be charged upon the interest of the occupier in any portion of land shall be but shall not exceed the increase estimated in the annual value thereof resulting from such works and that the total annuity by the said award declared to be charged upon the lands specially benefited and the townlands of which such lands form part shall be of such amount as will repay with interest as provided by this Act the remainder of the sums borrowed by the Board in pursuance of the Act of 1863 and the Acts amending the same or of this Act after deducting the said sum of thirteen thousand pounds and a sum equal to the portion of the money borrowed by the Board which will be repaid by the several instalments of the occupiers annuity.

**10.** When such draft award as aforesaid shall have been prepared the Commissioners shall cause a copy thereof to be deposited with the clerk of each of the several unions wherein the lands specially benefited or any part thereof may be situated and such clerks of unions are hereby authorised and required to receive the same and the Commissioners shall cause notice of such lodgment to be inserted in one or more of the newspapers usually circulated in the counties or districts in which such several unions are situated once in each week for three successive weeks and the Commissioners shall also in such notice require all persons being occupiers or proprietors of lands proposed to be charged who may desire to object to such award to lodge their objections at such time and place as shall be therein specified and they shall also in the said notice state that they will proceed to hear and inquire into any objections which may be lodged at such time and place or times and places as shall in such notice be named.

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Draft award to be printed and published and a copy deposited with the clerks of the unions.

**11.** The Commissioners or one of them shall attend at such time and place or times and places so appointed and shall examine into the matter of any objections to the award which shall have been lodged within the time specified in such notice as aforesaid and shall hear all proper evidence relative thereto and may adjourn such attendance from time to time and shall make such alteration as may to them seem proper and finally settle the award Provided always that the whole amount together with interest at three and a quarter per cent. on moneys borrowed by the Board whether before or after the passing of this Act calculated from the respective dates of such advances and by this Act directed to be charged on lands shall notwithstanding any alteration which on the hearing of any such objections it may be deemed proper to make be so charged.

Commissioners or one of them to examine into objections.

**12.** The several lands mentioned in the award as finally settled shall from the date thereof become charged with the payment to Her Majesty of an annual rentcharge of four pounds ten shillings for every one hundred pounds charged on the said lands respectively and so in proportion for every lesser amount to be payable for the term of forty years such rentcharge to be paid by equal half-yearly payments on the first day of May and the first day of November in every year the first of such payments to be made on the first of such days which shall happen after the date of the said award.

Lands to become chargeable with rentcharge.

**13.** Any sum from time to time due on account of any occupiers annuity charged under this Act shall be payable by the person or persons occupying the premises at the time the payment is demanded although such person or persons did not occupy the same at the

Payment and recovery of annuity charged on holdings.

A.D. 1889. time such sum became due and any sum from time to time due on account of any proprietors annuity charged under this Act shall be payable by the person being proprietor of the premises at the time the payment is demanded although such person was not proprietor of the same at the time such sum became due.

The annuity or any part thereof may at any time be redeemed by the person for the time being liable to pay the same on such terms as may be agreed on by the Commissioners with the consent of the Treasury.

Any annuity payable under this Act shall be paid to the Commissioners or to such persons and in such manner as the Treasury may from time to time appoint.

Without prejudice to other remedies the annuity shall be recoverable by the Commissioners in manner in which rentcharges in lieu of tithes are recoverable in Ireland subject to this qualification that the Civil Bill Court shall have jurisdiction to hear and determine cases where the amount claimed does not exceed fifty pounds and a certificate purporting to be under the common seal of the Commissioners shall be primâ facie evidence that the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Commissioners from that person.

A portion of land chargeable with an annuity under the said award shall not in consequence of its being so chargeable be exempt from grand jury cess assessed in pursuance of this Act.

Priority of  
rentcharge.

14. Every such annuity charged upon lands shall take priority of all charges and incumbrances whatsoever and whensoever made and of all rent payable out of the said lands save and except quit-rents and rentcharges in lieu of tithes and also save all charges prior in date (if any) created under the authority or provisions of any Act of Parliament heretofore passed.

Incorporation of  
certain sections of  
10 Vict. c. 32  
for recovery  
of rent-charge.

15. The thirty-ninth fortieth fifty-second and fifty-third sections of the Act of the tenth year of the reign of Her present Majesty chapter thirty-two intituled An Act to facilitate the improvement of landed property in Ireland as amended by any other Act shall be deemed to be incorporated in this Act save that every act in any of the said sections directed to be done by or to the Paymaster of Civil Service shall be done by or to the Commissioners and shall be as effectual to all intents and purposes as any such act would have been if done by or to the Paymaster under the provisions of the said last-mentioned Act. In the said sections references to an owner of lands shall be construed as if they included references to the occupier of such lands.

16. Any increase in the value of the land which shall have resulted from the execution of works by the Board shall be excluded in ascertaining the value of such land for any of the purposes of the Land Law (Ireland) Act 1881 and any Act amending the same.

Improvement of lands by works not to be a ground for increase of rent.

17.—(1.) The Board with a view to maintaining and keeping in repair the works executed under and for the purposes of the order of 1878 whether executed before or after the passing of this Act may from time to time cleanse repair enlarge and otherwise place and maintain in a due state of efficiency any watercourse or outfall for water or any wall embankment dam weir or defence against water or do any other act for the purpose of maintaining in a due state of efficiency any work required to be so maintained for any of the said purposes.

Maintenance of works.

(2.) Any amount from time to time certified by the Board under their common seal to be required to meet the expenses of the maintenance and repair of the said works shall by order under the common seal of the Board be apportioned amongst the lands specially benefited and the amounts so apportioned shall so long as the occupiers annuity shall remain charged be charged upon the townlands of which such lands form part and be payable by the proprietors of such townlands and shall from and after the time when the occupiers annuity shall cease to be charged be charged upon the interests of the occupiers in the lands specially benefited and be payable by the occupiers of such lands.

(3.) The maintenance charge payable under this section shall be payable to and be collected by the Board in the same manner as the proprietors annuity or occupiers annuity as the case may be is payable to and may be collected by the Commissioners and the Board shall have the same powers of recovering a sum for maintenance charge and the certificate of the Board in relation thereto shall have the same effect as if such sum were part of the proprietors annuity or occupiers annuity as the case may be.

(4.) Sums may be from time to time charged under this section either prospectively for the payment of future expenses or retrospectively for the payment of expenses incurred at any time within six months before such sums respectively are certified by the Board to be required.

(5.) The provisions of this section concerning the maintenance of works are in addition to and not in derogation of the provisions of the Drainage Maintenance Act 1866 and the twelfth and subsequent sections of that Act relative to advances and charges and other matters shall apply so far as is consistent with the tenor thereof and all charges created under the said sections shall be

A.D. 1889. payable by the same persons and in the same proportions as other maintenance charges under this Act.

Recovery out of county cess from grand jury.

**18.**—(1.) For the purpose of recovering from the grand jury of any county any sum payable out of the county cess of that county in pursuance of this Act the Commissioners may from time to time send to the secretary of the grand jury of such county a certificate specifying the amount to be levied in any part of the county in respect of the said sum and in case the sum so specified in any such certificate is payable by instalments the certificate shall also specify the number of instalments and the amount of each instalment payable by any part of such county.

(2.) Any such certificate purporting to be under the common seal of the Commissioners shall be *prima facie* evidence of all matters necessary to authorise the making of it.

(3.) Upon any such certificate being sent to the secretary of the grand jury the grand jury at the next and every succeeding assizes until the sum therein specified as aforesaid has been fully paid shall without any previous proceeding at any presentment sessions present any amount for the time being due or falling due before the then next assizes on account of the said sum as specified in the said certificate and if the grand jury make default in presenting such amount as aforesaid the judge of assize shall order the amount to be raised and the order shall have the force of a presentment and the amount shall be apportioned and raised and levied accordingly as if the same had been inserted in a presentment duly made at such assizes.

(4.) The secretary of the grand jury shall within one month after the date of any such presentment or order as aforesaid send notice thereof to the Commissioners.

Enrolment of award.

**19.** Every final award imposing a charge under this Act with proper schedules map or plan describing the lands to which such final award relates shall be enrolled in the Consolidated Record and Writ Office of Her Majesty's High Court of Justice in Ireland and when so enrolled shall be binding and conclusive on all parties and a copy thereof certified by the proper officer of the said office shall be evidence that it was duly made and that all the requisitions of the law in relation thereto were complied with and the Commissioners shall within one month after an award is settled cause the same to be printed and kept for public sale at a price not exceeding two shillings and sixpence for each copy.

Interest from date of advance

**20.** The amount charged on any security in pursuance of this Act shall include interest on the sum actually advanced at the rate



of three and a quarter per cent. per annum from the actual date of the advance to the date of the commencement of the annuity payable in respect of that amount and the annuity shall be of such amount as may be necessary for that purpose.

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to commencement of annuity.

**21.** A justice shall not be disqualified from acting in any case arising under this Act by reason only of his being as one of several ratepayers or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or payment or fund out of which any expenses of carrying the order of 1878 the Act of 1886 or this Act into effect are to be defrayed.

Removal of disqualification of justices.

**22.** The liability of any person to defray or contribute towards the expense of making completing altering repairing or maintaining any sewer or drain or any walls or works for protecting any land against the force or encroachments of any river or doing any other work within the contributory area shall continue and the same may be enforced as if this Act had not been passed.

Saving of existing liabilities to repair.

**23.—(1.)** All persons members of the Board at the passing of this Act shall continue in office until the thirty-first day of December one thousand eight hundred and eighty-nine and until that date shall severally have and be subject to all the same or the like powers functions duties privileges obligations disabilities and disqualifications as at the passing of this Act they severally had or were subject to.

Vacation of office &c. by members of the Board.

(2.) All persons members of the Board at the passing of this Act shall vacate their offices on the thirty-first day of December one thousand eight hundred and eighty-nine and all members of the Board who shall be elected under this Act shall vacate their offices on the thirty-first day of December next after their election.

(3.) In the month of January in the year one thousand eight hundred and ninety and in every subsequent year elections shall be held for twenty-eight members of the Board in the places of the members who shall have vacated their offices as aforesaid.

(4.) The days hours and places on and at which the elections are to be held shall be appointed by the Board and notice of every such appointment shall be published by the Board and such publication shall be completed as to each election not less than seven clear days before the day appointed for that election.

(5.) Every member of the Board vacating his office under this section shall if qualified be re-eligible and if at any time when an election of members of the Board ought to take place the places of any members vacating their offices are not filled up the members vacating their offices whose places are not filled up shall if qualified

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continue in office until the then next thirty-first day of December. If and as often as there shall be any doubt as to the member or members whose place or places is or are not filled up the members of the Board for the time being as to whose membership there shall be no doubt shall determine the question.

(6.) Any casual vacancy occurring in the members of the Board may be filled up by the Board but any person so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred and shall be qualified in the same manner as the vacating member.

(7.) During any vacancy in the members of the Board the continuing members of the Board shall act as if such vacancy had not occurred.

(8.) Any person who acts as a member of the Board without being qualified shall incur a penalty not exceeding fifty pounds and in any proceeding for the recovery of such penalty the burden of proving qualification shall be upon the person against whom such proceeding is taken.

(9.) All acts done at any meeting of the Board or of any committee of the Board or by any person acting as a member of the Board shall notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of any member or members of the Board or that any member or members so elected or appointed was or were disqualified be as valid as if every such person had been duly elected or appointed and was qualified to be a member.

Byelaws for elections.

**24.** Subject to the provisions of this Act the Board may from time to time by byelaws regulate the mode of conducting the elections to the Board and the preparation revision and publication of list of persons who shall be entitled to vote at such elections.

Future constitution of Board.

**25.** From and after the first day of January one thousand eight hundred and ninety the Board shall consist of fourteen members to represent proprietors and fourteen members to represent occupiers and such members respectively shall be qualified and elected in accordance with the provisions of this Act.

Qualification and electors of members to represent proprietors.

**26.**—(1) The qualification of a member to represent proprietors shall be the same as that prescribed by the Act of 1863 and the order of 1878 in respect of members of the Board.

(2) The electors for the members to represent proprietors shall be all persons qualified as in the said Act and order provided to be elected members of the Board.

**27.** From and after the first day of January one thousand eight hundred and ninety— A.D. 1889.

(1) The qualification of a member to represent occupiers shall be that he shall be an occupier of land specially benefited.

Qualifica-  
tion and  
electors of  
members to  
represent  
occupiers.

(2) The electors for the members to represent occupiers shall be all persons qualified as in this section provided to be elected members to represent occupiers.

**28.—**(1) The Commissioners shall forthwith after the passing of this Act divide the area of the lands specially benefited into such seven divisions as they see fit and thereafter at each election of members of the Board to represent occupiers two of such members shall be elected to represent each of such divisions the electors for each division being the persons qualified under this Act to vote at such election in respect of the occupation of any improved land within the limits of that division.

Area of lands  
specially  
benefited to  
be divided  
for electoral  
purposes.

(2) Each such elector shall be entitled to vote according to the scale contained in the eighty-first section of the Act of the session of the first and second years of the reign of Her present Majesty chapter fifty-six intituled An Act for the more effectual relief of the destitute poor in Ireland as amended by any other Act or Acts as if such division were a poor law union and as if such elector were a ratepayer in respect of such improved land within the meaning of the said section.

1 & 2 Vict.  
c. 56.

**29.** The rules as to election of members of drainage boards set forth in the schedule to the Act of 1863 shall so far as applicable and subject to the provisions of this Act apply mutatis mutandis to the elections of members of the Board elected under this Act.

Proceedings at  
elections of  
members of  
Board elected  
under this Act.

**30.** So far as any of the provisions of this Act are inconsistent with any of the provisions of the Act of 1863 the order of 1878 or the Act of 1886 the provisions of this Act shall prevail.

As to inter-  
pretation of  
Act of 1863  
&c.

**31.** All costs charges and expenses of and incidental to the preparing for obtaining and passing this Act or otherwise in relation thereto and of and incidental to carrying into execution any of the powers or provisions thereof shall be deemed expenses incidental to the execution of the works authorised by the order of 1878 and shall be defrayed by the Board accordingly.

Expenses of  
Act.

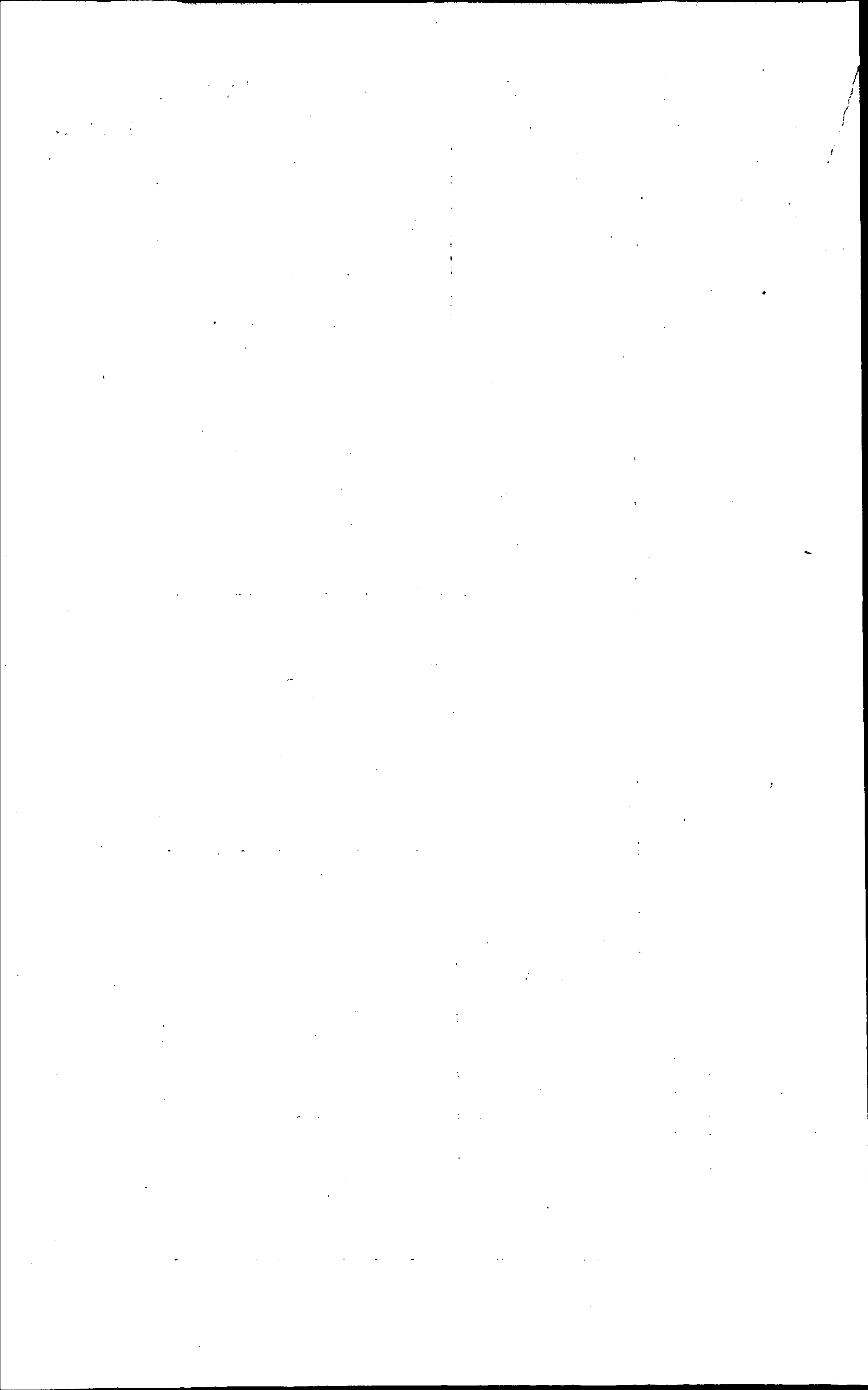


SECOND SCHEDULE.

PARTICULARS as to PROPRIETORS ANNUITY.

TOWNLANDS CHARGEABLE.													
No. of Sheet of Ordnance Map on which Lot is represented.	No. of Lot on Map, same Number to each Property, and including and designating Lands belonging to same Proprietors as the Lands improved.	Names of				Area of Land in the same Townlands and belonging to the same Proprietors as the Lands Drained and Improved, Statute Measure.	Lands Drained and Improved.			Proportion in which the Proprietors Annuity is charged upon said Townlands, and Payable in respect of same, and also proportion in which such Townlands shall in future be charged for the maintenance of the Works.	Proportion in which the Amount mentioned in Award as charged upon Lands specially benefited is charged upon said Townlands respectively.	Amount of each Half-yearly Annuity payable in respect of the several Townlands charged.	OBSERVATIONS.
		Reputed Proprietors.	Townlands (as named on Ordnance Maps) chargeable.	Barony in which Townlands are situate.	County in which Townlands are situate.		Area of Lands Drained and Improved, Statute Measure.	Original Value of Lands Drained and Improved.	Increase in the Original Value of Lands Drained and Improved.				

[52 & 53 Vict.] River Suck Drainage Act, 1889. [Ch. ccv.]



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