



CHAPTER cli.

An Act to confer further powers on the Belfast Water Commissioners ; and for other purposes. [16th July 1874.] A.D. 1874. —

WHEREAS by "The Belfast Water Act, 1840," (in this Act called "the Act of 1840,") provision was made for better supplying with water the town and borough of Belfast, and the precincts thereof, and by "The Belfast Water Act, 1865," (in this Act called "the Act of 1865,") further provision was made for that purpose, and also for altering and amending the constitution of the corporation of the Belfast Water Commissioners (in this Act called "the Commissioners,") and for other purposes :

3 & 4 Vict.
c. lxxix.
28 & 29 Vict.
c. clxxxix.

And whereas the present supply of water to the borough is inadequate, and it is expedient that an additional supply should be provided, and that the Commissioners should be empowered to acquire certain lands and waters and to execute certain works, and to raise further sums of money for that purpose :

And whereas it is expedient that some of the provisions of the recited Acts should be repealed or amended :

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and waters required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for the county of Antrim, and the county of the town of Carrickfergus, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes 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 ; (that is to say,)

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Short title.

Provisions
of certain
general Acts
incorporated.

1. This Act may be cited as "The Belfast Water Act, 1874."

2. "The Lands Clauses Consolidation Act, 1845," save so far as any provisions thereof are inconsistent with "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," and "The Railways Act (Ireland), 1864," respectively; the clauses and provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, and also the sections of the last-mentioned Act, numbered 53, 54, 55, 56, 57, and 58, relating to the substitution of other roads for roads interfered with, and to the restoration of roads interfered with; "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Waterworks Clauses Act, 1847," except sections 68, 69, 70, 71, 72, and 73, and the clauses or sections with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and "The Waterworks Clauses Act, 1863," are, except where expressly varied by or inconsistent with this Act, incorporated with and form part of this Act; and in the said incorporated Acts, or any of them, or in any Acts incorporated therewith or with this Act, unless there be something in the context repugnant to the respective constructions herein-after defined, the expression "the special Act" means this Act; the expressions "the promoters," "the promoters of the undertaking," "the undertakers," and "the Company" mean respectively the Commissioners; the word "secretary" means the clerk of the Commissioners; the expressions "the railway" and "the undertaking" mean respectively the works by this Act authorised to be executed; the expressions "purchase money" and "compensation," and other equivalent expressions, shall include the compensation in money or water to be made in respect of the damage to any lands, mills, manufactories, or works situate in the course of or using any of the waters by this Act authorised to be taken and appropriated by the Commissioners; the word "mines" shall include salt mines and salt springs, and the word "minerals" shall include salt; and the provisions of "The Waterworks Clauses Acts, 1847 and 1863," which are incorporated herewith, except so far as the same or any of them are expressly varied by or inconsistent with this Act, shall apply not only to the works by this Act authorised to be made and executed, but also (subject to the provisions herein-after contained) to the waterworks, lands, hereditaments, rights, easements, and effects now vested in the Commissioners, or in, over, or upon which the Commissioners have by this Act, or by the Acts of 1840 and 1865, any power or right, and, subject as aforesaid, the words "lands"

and "streams" in "The Waterworks Clauses Act, 1847," mean respectively not only the lands, loughs, rivers, streams, and waters from which water is authorised to be taken under the provisions of this Act, but also the lands, loughs, streams, and waters over or in which the Commissioners now have or will have any power or right.

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3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Act of 1840" means "The Belfast Water Act, 1840;" the expression "the Act of 1865" means "The Belfast Water Act, 1865;" the expression "the Acts of 1840 and 1865" means the Act of 1840 and the Act of 1865; the word "Commissioners" means the corporation of the Belfast Water Commissioners, as acting under the Acts of 1840 and 1865 and this Act; the expression "borough of Belfast" and the word "borough" mean respectively the entire borough and municipal district of Belfast, as extended and defined by "The Belfast Borough Extension Act, 1853," and the schedule (A.) thereto annexed; the word "person" includes a company or a corporation whether aggregate or sole; the word "lands" includes messuages, lands, tenements, and hereditaments or heritages of any tenure; the word "streams" includes springs, brooks, rivers, and other running water; the expression "quarter sessions" includes the recorder's court for the borough.

Interpretation of terms.

4. Subject to the provisions of this Act, the Acts of 1840 and 1865 shall, together with this Act, be read and construed as one Act.

Recited Acts and this Act to be construed as one.

5. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose; and they may take, appropriate, divert, and use the streams and waters following, or some or one of them; viz., South Woodburn, North Woodburn, Duncrue, French Park, streams coming from Aiken's Glen to Dorisland, Copeland Water, Lough Mourne, stream or millrace coming from Craigboy through Broadisland to the mill known as Milltown in Kilroot, stream passing near the dwelling-house occupied by Robert Owen and flowing into the stream or millrace leading to the mill known as Milltown in Kilroot, cut or millrace diverting the Lough Mourne and Copeland Waters to mills and other works at or near Carrickfergus, which lough, streams, springs,

Power to execute and maintain works according to deposited plans.

A.D. 1874. watercourses, and tunnels flow directly or indirectly into Belfast Lough, and the streams called Beltoy or Dunisland, which flow directly or indirectly into Larne Lough.

The works herein-before referred to, and authorised by this Act, are—

First.—An impounding reservoir (No. 1) to be situated on the South Woodburn Stream and the valley thereof, near to and partly on the site of the existing reservoir on that stream, belonging to the Commissioners, within the area included within the limits herein-after described; that is to say, commencing by an embankment to be formed across the said stream, such embankment to begin in a field belonging or reputed to belong to Baron Blayney, and in the occupation of Daniel Mulholland, at a point therein three hundred and thirty yards or thereabouts, measuring in a southerly direction, from the south-west corner of a farmhouse belonging or reputed to belong to Baron Blayney, and in the occupation of Daniel Mulholland, thence extending in a southerly direction for a distance of five hundred yards or thereabouts, and terminating in a field belonging or reputed to belong to Francis Massey, and in the occupation of William M'Auley and Charles M'Auley, at a point therein two hundred and thirty yards or thereabouts, measuring in a northerly direction, from the northern corner of a farmhouse belonging or reputed to belong to Francis Massey, and in the occupation of Charles M'Auley; the limits of the reservoir thence extending on the north and south sides of the said South Woodburn Stream, and converging to a point on that stream nine hundred and fifty yards or thereabouts, measuring in a straight line in a westerly direction, from the centre of the proposed embankment immediately before described, which intended reservoir will be wholly situate in the townland of West Division, parish of Saint Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus:

Second.—A road (No. 2) commencing by a junction with the public road leading from Carrickfergus to Straid, by Bryantang, at a point thereon two hundred and twenty yards or thereabouts, measuring along the said public road in a north-westerly direction, from the gateway leading into the yard in front of a farmhouse belonging or reputed to belong to the Marquis of Downshire and occupied by Anthony M'Brinn, thence passing in a south-westerly direction, and terminating at or near the north corner of the intended embankment of the lower reservoir of the Commissioners, authorised to be

constructed on the South Woodburn Stream by the Act of 1865, as shown upon the plans deposited with reference to that Act, which intended road will be situate in the townland of West Division, parish of Saint Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus :

Third.—A road or pathway (No. 3) commencing at the north-west corner of the settling pond at the works formerly known as the Woodburn Bleachworks, now the property of the Commissioners, thence passing in a westerly direction, and terminating in a field belonging to and in the occupation of the Commissioners, at a point thirty yards or thereabouts, measuring in a north-westerly direction, from the top of the waterfall on the South Woodburn Stream near Bryantang, which intended road or pathway will be situate in the townland of West Division, parish of Saint Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus :

Fourth.—An aqueduct, tunnel, conduit, or line of pipes (No. 4), commencing in the bed of a stream flowing through a place called Frenchpark, past Duncrue Saltworks, at a point in that stream ten yards or thereabouts, measuring in a southerly direction, from the south face of the culvert near to the saltworks belonging or reputed to belong to Marriott Robert Dalway, passing under the road leading from Carrickfergus to those works, thence passing in a westerly direction through the townland of Middle Division and through the Commissioners tunnel connecting the North and South Woodburn streams at Bryantang, thence proceeding in an easterly direction through the townland of West Division, close to the settling pond belonging to the Commissioners at the old Woodburn Bleachworks, thence passing in a southerly direction, and terminating by a junction with the proposed reservoir (No. 5) next herein-after described, near a place called Dorisland, at the point described as the commencement of the said proposed reservoir, which intended aqueduct, tunnel, conduit, or line of pipes will be situate in the townlands of Middle Division and West Division and parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus :

Fifth.—A reservoir or settling pond (No. 5), to be situate north-west of and close to the existing conduit of the Commissioners, at or near a place called Dorisland, within the area included within the limits herein-after described; that is to say, commencing by an embankment to begin in a field belonging or reputed to belong to the Marquis of Downshire, and in the occupation of Joseph Apsley, at a point therein measuring

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one hundred and fifty yards or thereabouts, in a north-westerly direction, from the north corner of a house belonging or reputed to belong to the Marquis of Downshire and occupied by Joseph Apsley, thence proceeding in a south-easterly direction, for a distance of two hundred yards or thereabouts, thence proceeding in a south-westerly direction for a distance of three hundred and seventy yards or thereabouts, thence proceeding in a westerly direction for a distance of one hundred and fifty yards or thereabouts, and terminating in a field belonging or reputed to belong to the Marquis of Donegall, and in the occupation of Robert Apsley, at a point therein one hundred and seventy yards or thereabouts, measuring in a north-westerly direction, from the south-west corner of a house belonging or reputed to belong to the Marquis of Donegall, and in the occupation of Robert Apsley, the reservoir thence extending in a north-easterly direction to and terminating at the point of commencement of the said embankment immediately before described; which intended reservoir will be wholly situate in the townland of West Division, parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus:

Sixth.—An aqueduct, tunnel, conduit, or line of pipes (No. 6), commencing by a junction with the proposed reservoir (No. 7), next herein-after described, on the stream called or known as Copeland Water, at a point in that stream four hundred and fifty yards or thereabouts, measuring in a northerly direction, from the north side of the bridge carrying the direct road leading from Belmont to Duncrue over that stream, in the townland of North-East Division, parish of Saint Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, and the townland of Crossmary, parish of Kilroot and county of Antrim, or one of them, thence passing in a southerly direction through said townlands, or one of them, to the said public road leading from Belmont to Duncrue, thence passing along the said road to near Duncrue flax mill, passing through the townlands of Middle Division and West Division, in the parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, and terminating at the south-east corner of the settling pond at the works formerly known as the Woodburn Bleachworks, now the property of and in the occupation of the Commissioners, in the townland, parish, and county last mentioned:

Seventh.—An impounding reservoir (No. 7), to be situate on the stream called or known as Copeland Water and valley thereof, within the area included within the limits herein-after described;

that is to say, commencing by an embankment to begin in a field belonging or reputed to belong to the Marquis of Donegall and in the occupation of William Mann and James Mann, at a point therein two hundred and fifty yards or thereabouts, measuring in a southerly direction, from the south-east corner of a farmhouse belonging or reputed to belong to Maria Kirk and Ellen Kirk and in the occupation of Joseph M'Keen, thence passing in an easterly direction for a distance of four hundred yards or thereabouts, thence passing in a north-easterly direction for a distance of two hundred and thirty yards or thereabouts, and terminating in a field belonging or reputed to belong to the Marquis of Donegall and in the occupation of William Hart, at a point therein one hundred and twenty yards or thereabouts, measuring in a north-westerly direction, from the north-west corner of a farmhouse belonging or reputed to belong to the Marquis of Donegall and occupied by William Hart, the reservoir thence extending in a northerly direction for a distance of two hundred and thirty yards or thereabouts, thence extending in a south-westerly direction for a distance of seven hundred yards or thereabouts to and terminating at the point of commencement of the embankment immediately above described, which intended reservoir will be situate in the townland of North-East Division, parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, and the townland of Crossmary, parish of Kilroot and county of Antrim :

Eighth.—An aqueduct, tunnel, conduit, catch-water drain, or pipe (No. 8), commencing in the bed of a stream called or known as Beltoy, Dunisland, or Mill Race, in the townland of Beltoy, parish of Raloo and county of Antrim, at a point therein two hundred and fifty yards or thereabouts, measuring in an easterly direction, from the north-east corner of the farmhouse of Craigboy, belonging or reputed to belong to Marriott Robert Dalway and in the occupation of James Graham, thence passing through the said townland and into and through the townland of North-East Division, parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, the townland of Blackhill, parish of Templecorran, and townlands of Ballyhill and Crossmary, parish of Kilroot and county of Antrim, and terminating in the bed of the stream called or known as Copeland Water, at a point therein two hundred and twenty yards or thereabouts, measuring in a northerly direction, from the point herein-before described as the termination of the embankment for the formation of the

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reservoir (No. 7) last above mentioned, in the townland of North-East Division, parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, and the townland of Crossmary, parish of Kilroot and county of Antrim, or one of them :

Ninth.—An impounding reservoir (No. 9), to be situated on the bed of Lough Mourne and valley thereof, within the area included within the limits herein-after described; that is to say, commencing by an embankment to begin at a point twenty yards or thereabouts, measuring in a north-easterly direction, from the sluice regulating the flow of water from the lough, situate at or near the south-eastern end of the lough, thence passing in a south-westerly direction for a distance of thirty yards or thereabouts, and there terminating; the reservoir thence following the course of the shore around the lough in a south-westerly and north-westerly direction, and terminating near the northern end of the lough at a point five hundred and eighty yards or thereabouts, measuring in a south-westerly direction, from the southern corner of Caperton farmhouse, belonging or reputed to belong to Marriott Robert Dalway, and in the occupation of Macauley Stewart, thence following the course of the shore of the lough in an easterly and south-easterly direction to and terminating at the point of commencement of the said embankment immediately above described, which intended reservoir will be situate within the townlands, parish, and places following or some or one of them; that is to say, the townlands of North-East Division and Commons, all in the parish of Saint Nicholas, otherwise Carrickfergus, and the county of the town of Carrickfergus :

Tenth.—An aqueduct, tunnel, conduit, or line of pipes or syphons (No. 10), commencing at a point in Lough Mourne, five hundred yards or thereabouts, measuring in a north-westerly direction, from the sluice regulating the flow of water from that lough, situate at or near the south-eastern end of the lough, thence passing through the townlands of North-East Division and Commons, and terminating at the commencement of the aqueduct, tunnel, conduit, or line of pipes (No. 6) herein-before described, which intended aqueduct, tunnel, conduit, or line of pipes or syphons will be situate in, or pass from, through, or into the townlands of North-East Division and Commons, parish of St. Nicholas, otherwise Carrickfergus, and county of the town of Carrickfergus, and townland of Crossmary, parish of Kilroot and county of Antrim, or one of them :

Eleventh.—A small high level reservoir (No. 11), to be wholly situated in the townland of Ballyaghagan, parish of Shankill and county of Antrim, within the area included within the limits herein-after described; that is to say, commencing by an embankment to begin at the west corner of a field belonging or reputed to belong to William Nevin Wallace, and occupied by James Murray, lying north of the old road leading from Park Hill old toll bar to the Cave Hill Limestone Quarries, at a point therein measuring, in a northerly direction, three hundred yards or thereabouts from the north side of the bridge carrying the public road over the tramway to those quarries, at the Cave Hill National Schools, thence extending in a south-easterly direction for a distance of eighty yards or thereabouts, thence extending in a north-easterly direction for a distance of eighty yards or thereabouts, and there terminating; the reservoir thence extending in a north-westerly direction for a distance of one hundred yards or thereabouts, and thence in a south-westerly direction, for a distance of one hundred yards or thereabouts, to and terminating at the point of commencement of the embankment immediately above described:

Twelfth.—A line of pipes (No. 12), commencing by a junction with the existing pipe belonging to the Commissioners, leading from the White Well into Belfast, on the public road leading from the White Well to Belfast, at the point where the conduit from Woodburn, belonging to the Commissioners, crosses the said road, in the townland of Lowwood, parish of Shankill and county of Antrim, thence passing alongside the said conduit and through the townlands of Lowwood, Ballyaghagan, and Skegoneill, in the same parish, and terminating by a junction with the proposed small reservoir (No. 11), next herein-before described, at the southern corner thereof, in a field belonging or reputed to belong to William Nevin Wallace and in the occupation of James Murray, in the townland of Ballyaghagan, and parish of Shankill and county of Antrim:

Thirteenth.—A line of pipes (No. 13), leading from the small high level reservoir (No. 11) in the townland of Ballyaghagan, parish of Shankill and county of Antrim, commencing by a junction with that reservoir at the southern corner thereof, thence passing through the said townland in a southerly direction and into and through the townlands of Skegoneill and Old Park, in the parish of Shankill and county of Antrim, and terminating at the north-east corner of the Carr's Glen Reservoir, belonging to the Commissioners, in the townland of Old Park, parish of Shankill and county of Antrim:

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Fourteenth.—A short cut or tunnel (No. 14), situate in the townlands of Collinward and Drumnadrough, parish of Carnmoney and county of Antrim, commencing by a junction with the existing pipe, belonging to the Commissioners, leading from the White Well to Belfast, at a point on the main road leading from Belfast to Antrim, five hundred and seventy yards or thereabouts, measuring in a south-easterly direction, from the White Well, in the townland of Drumnadrough aforesaid, and terminating in the hill in the townland of Collinward aforesaid, at a point five hundred yards or thereabouts, measuring in a south-westerly direction, from the point of commencement.

Power to deviate laterally and vertically.

6. In the construction of the works by this Act authorised, the Commissioners may make lateral deviations from the lines of such works, provided that such deviations shall not extend beyond the limits of lateral deviation defined upon the deposited plans, except with the consent of the owners, lessees, and occupiers of the lands on which such works shall be situate, and the Commissioners may deviate vertically from the levels of such works, as defined on the said plans and sections, with reference to the datum line, to any extent not exceeding three feet in the case of reservoirs, and in other cases five feet: Provided always, that the Commissioners shall not construct any embankment or wall of any of the reservoirs hereby authorised and herein-before described as works Nos. 1, 5, 7, 9, and 11, of a greater height above the general surface of the ground than is in each case shown on the deposited sections.

Powers for compulsory purchases limited.

7. The powers of the Commissioners for the compulsory purchase of lands or waters for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

For protection of Marquis of Downshire.

8. Whereas, while the Bill for the Act of 1865 was pending in Parliament, the Belfast Water Commissioners entered into a certain agreement, bearing date the twelfth day of May one thousand eight hundred and sixty-five, with the then Marquis of Downshire (since deceased), by which it was (amongst other things) provided that the said Commissioners should pay in respect of the waters of the streams called respectively the two Wood Burns and Duncrue and the waters of such of the tributaries of the two Wood Burns and Duncrue respectively as fell into the said streams respectively above the points in the said agreement mentioned, the sum of six thousand pounds, as the full compensation to the said Marquis of Downshire, his heirs and his successors in estate, for his and their interest in the aforesaid waters, and in pursuance of the said Act and of the said agreement the Commissioners entered upon the lands of the said Marquis and executed works thereon, and diverted

and appropriated a portion of the waters of the said two Wood Burns, but the said Commissioners have not paid to the said Marquis or his successors the said sum of six thousand pounds in pursuance of the said agreement: And whereas a bill was filed in the Court of Chancery in Ireland for specific performance of the said agreement on the part of the said Commissioners, and upon the hearing of the cause a decree was made for such specific performance, which, having been appealed against by the said Commissioners, was affirmed by the Court of Appeal in Chancery in Ireland with costs, but the said sum of six thousand pounds has nevertheless not yet been paid: And whereas by this Act the Commissioners are authorised to divert and appropriate for the purposes of this Act certain streams and waters of parts of the estates of the present Marquis of Downshire, for the special protection of which certain sections of the Act of 1865 were inserted: And whereas compulsory powers are by this Act conferred upon the Commissioners over certain portions of the estates of the present Marquis of Downshire: Be it enacted as follows:

1. Before exercising any of the powers by this Act conferred on the Commissioners, and within one month after the passing of this Act, the Commissioners shall pay to the Marchioness of Downshire and the Honourable Arthur William Hill, commonly called Lord Arthur Hill, guardians of the fortune of the present Marquis of Downshire, and to the Honourable George Augusta Hill, commonly called Lord George Augusta Hill, the Right Honourable William Pitt, Earl Amherst, the Right Honourable Alexander Nelson, Viscount Bridport, and Richard Bateson, to be afterwards divided amongst them according to their respective interests, or lodge in the Court of Chancery in Ireland, under "The Lands Clauses Consolidation Act, 1845," and any Acts amending the same, and to be disposed of by the Court under the provisions of the said Acts, the sum of six thousand pounds, with interest for the same at the rate of four per centum per annum, as and from the first day of March one thousand eight hundred and sixty-eight, up to and including the day of the payment or lodgment of the same:
2. The Commissioners shall also pay the amount of the costs incurred by the first-mentioned Marquis of Downshire in showing title to the said lands, streams, and water, and the costs incurred by the plaintiffs in the said Court of Chancery, and on appeal in the said Court of Appeal in Chancery in Ireland in the said suit for the specific performance of the said agreement of the twelfth day of May one thousand

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eight hundred and sixty-five, when taxed and ascertained, such amount to be paid within one month after the date of the certificate of taxation of such costs; and

3. They shall also pay to the said Marchioness of Downshire and the said Lord Arthur William Hill such sum as shall be ascertained by the proper officer of either House of Parliament, within one month after the signing by such officer of a certificate in relation thereto, the amount of the costs incurred by the late Marquis and by them on behalf of the present Marquis of Downshire with respect to this Act.

Drinking places to be provided for cattle of tenants of the Marquis of Downshire.

9. Before interfering with the access by the tenants of the Marquis of Downshire and by their cattle to Lough Mourne, the Commissioners shall provide and maintain such and so many drinking places for the cattle of the said tenants as may be agreed upon between the engineer of the Commissioners and the surveyor of the said Marquis, or if they cannot agree, then as shall be determined by an arbitrator to be appointed by the Board of Works under the provisions of this Act.

Marquis of Downshire to have the privilege of sporting on reservoirs.

10. After the Commissioners shall have constructed the said impounding reservoir on Lough Mourne, the said Marquis of Downshire, his heirs or successors in estate, shall at all times have the same right of fishing, shooting, and sporting in, over, and upon the said impounding reservoir as he now possesses or enjoys in, over, or upon Lough Mourne, with all usual powers and privileges incidental to the proper enjoyment of that right (including that of access to the said reservoir, and of keeping and using a boat), and the Marquis of Downshire, his heirs or successors in estate, may construct a boathouse or shed on his or their own land on the side of said reservoir, so nevertheless that in the exercise of the powers in this section mentioned, he or they do not injure the embankment of that reservoir, or wilfully do any act whereby the water therein will be fouled, and so that the Commissioners shall be entitled to use the said boathouse or shed in common with the said Marquis, his heirs and successors in estate, and so that before the erection of the said boathouse or shed the site and plans thereof shall be approved of by the Commissioners.

Saving rights of Marquis of Downshire.

11. Excepting as is by this Act expressly enacted, nothing herein contained shall invalidate the rights of the Marquis of Downshire and his successors in estate or of the Commissioners, or shall prejudicially affect the enactments in his or their favour, or relating to him or them, contained in the Act of 1865, or in the said agreement of the twelfth day of May one thousand eight hundred and sixty-five.

12. Before interfering with the access by the tenants of the said Marriott Robert Dalway and by their cattle to Lough Mourne, the Commissioners shall provide and maintain such and so many drinking places for the cattle of the said tenants as may be agreed upon between the engineer of the Commissioners and the surveyor of the said Marriott Robert Dalway, or if they cannot agree, then as shall be determined by an arbitrator to be appointed by the Board of Works under the provisions of this Act.

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Drinking places to be provided for cattle of tenants of Marriott Robert Dalway.

13. After the Commissioners shall have constructed the said impounding reservoir on Lough Mourne, the said Marriott Robert Dalway, his heirs or successors in estate, shall at all times have the same right of fishing, shooting, and sporting in, over, and upon the said impounding reservoir as he now possesses or enjoys in, over, or upon Lough Mourne, with all usual powers and privileges incidental to the proper enjoyment of that right (including that of access to the said reservoir and of keeping and using a boat), and the said Marriott Robert Dalway, his heirs or successors in estate, may construct a boathouse or shed on his or their own land on the side of the said reservoir, so nevertheless that in the exercise of the powers in this section mentioned he or they do not injure the embankment of that reservoir, or wilfully do any act whereby the water therein will be fouled, and so that the Commissioners shall be entitled to use the said boathouse or shed in common with the said Marriott Robert Dalway, his heirs and successors in estate, and so that before the erection of the said boathouse or shed the site and plans thereof shall be approved of by the Commissioners.

Marriott Robert Dalway to have the privilege of sporting on reservoirs.

14. Before interfering with the access by the freemen or the tenants of the Corporation of Carrickfergus, and by their cattle, to Lough Mourne, the Commissioners shall provide and maintain such and so many drinking places for the cattle of the said tenants as may be agreed upon between the engineer of the Commissioners and the surveyor of the said corporation, or, if they cannot agree, then as shall be determined by an arbitrator to be appointed by the Board of Works under the provisions of this Act.

Drinking places to be provided for cattle of freemen of Carrickfergus.

15. After the Commissioners shall have constructed the said impounding reservoir on Lough Mourne, the Commissioners of Carrickfergus, their freemen, and their successors in estate shall at all times have the same right of fishing, shooting, and sporting in, over, and upon the said impounding reservoir as they now possess or enjoy in, over, or upon Lough Mourne, with all usual powers and privileges incidental to the proper enjoyment of that right (including that of access to the said reservoir), so that in the exercise of the powers in this section mentioned they do not injure the embank-

Commissioners of Carrickfergus and their freemen to have privilege of sporting on reservoirs.

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ment of that reservoir, or wilfully do any act whereby the water therein will be fouled.

For protec-
tion of
Robert
McMurray.

16. If the Commissioners take any water flowing from Lough Mourne, or that portion of the Copeland Water which, together with the Lough Mourne water, flows into the cut or millrace leading from Copeland Water to mills or other works at or near Carrickfergus, the damage, if any, to be sustained by the taking of such water by Robert McMurray shall be determined as in other cases of disputed compensation; and until payment or tender of the sum so determined it shall not be lawful for the Commissioners, or any person acting by or under their authority, to take or use any of the said waters without the leave or consent in writing of the said Robert McMurray, or other the proprietors of the said premises entitled to such payment.

Power to
purchase
lands by
agreement.

17. The Commissioners may from time to time purchase or lease by agreement, for any of the purposes of this Act, any quantity of land not exceeding in the whole thirty acres, in addition to any other lands at present held by them, or the lands which they are authorised to purchase under the compulsory powers of this Act.

Power to
purchase
waters, &c.
by agree-
ment.

18. The Commissioners may from time to time for any of the purposes of this Act, purchase or lease by agreement with the respective owners, lessees, and occupiers thereof, the waters of any stream or streams convenient to the works, or intersected by the lines of conduit of the Commissioners, and they may, with the consent of the owners, lessees, and occupiers of all lands affected, make the necessary works for the appropriation of such waters.

Power to
agree for
water com-
pensation.

19. The Commissioners may contract and agree with any person who may be interested in any streams or waters authorised to be taken under this Act, to provide and give to such person such supply of water as may be agreed upon by way of compensation for any injury which he may sustain by or from the works authorised to be executed under this Act, or any of them, and for that purpose they may make all such agreements and do all such acts as the Commissioners shall deem expedient.

Compensa-
tion to mills
or works
near Car-
rickfergus.

20. If the Commissioners take any of the waters supplying or which have hitherto supplied the cut or millrace leading from the Copeland Water to mills or other works near Carrickfergus, the arbitrator to be appointed under the provisions of this Act for awarding the amount to be paid as and for the purchase money and compensation to be paid by the Commissioners for any lands, streams, or waters taken by them under this Act is hereby authorised to fix or award the quantity of water (if any) which the

Commissioners shall at all times make to flow from the intended Copeland Reservoir, for condensing, domestic, and agricultural purposes, other than irrigation or motive power, and the Commissioners shall at all times cause such quantity to flow accordingly from the said reservoir into said cut. In estimating the water so to flow, the arbitrator shall take into consideration the quantity of water still afforded by the streams flowing into the cut or mill-race above referred to below the site of the intended reservoir, and also any other water flowing to or supplying the said several mills or other works; and if any of the parties entitled to the supply so to be furnished shall be dissatisfied with the award made by the said arbitrator in pursuance of the provisions herein-before contained as to the quantity of the water which the Commissioners are to make to flow as aforesaid, he shall have all such rights and remedies for impeaching the said award as by the Railways Act (Ireland), 1851, are given and provided for the purpose of impeaching the sufficiency of any accommodation works which may be awarded in pursuance of the provisions in that behalf contained in the said Act.

21. If the Commissioners take any of the waters supplying, or which have hitherto supplied, the cut or millrace leading from the Copeland Water to mills or other works near Carrickfergus and the town of Carrickfergus, they shall at all times furnish and deliver, or cause to be furnished and delivered, into the said race or water-course, ten yards below the point marked A on a map signed by Edward Ellice, Esquire, Chairman of the Committee to whom the Bill for this Act was referred, free of charge, for the use of the inhabitants of the said town, a continuous flow of water equal to the average flow at Green Street during the past two years; and in the event of disagreement between the Commissioners and the Town Commissioners of Carrickfergus as to the said average flow, the arbitrator to be appointed under the provisions of this Act for awarding the amount to be paid as and for the purchase money and compensation to be paid by the Commissioners for any lands, streams, or water taken by them under this Act is hereby authorised and required to fix or award the quantity of the said average flow at Green Street, and if any of the parties entitled to the supply so to be furnished shall be dissatisfied with the award made by the said arbitrator, in pursuance of the provisions herein-before contained, as to the quantity of the water which the Commissioners are to furnish and deliver at the point aforesaid, they shall have all such rights and remedies for impeaching the said award as by the Railways Act (Ireland), 1851, are given and provided for the purpose of impeaching the sufficiency of any accommodation works which may be awarded in pursuance of the provisions in that behalf

Compensation to town of Carrickfergus.

A.D. 1874.

contained in the said Act: Provided always, that the Commissioners may, by agreement with the said Commissioners of Carrickfergus, substitute for the said supply to the inhabitants of Carrickfergus, at the point aforesaid, a metal pipe, for the delivery from the pipe from Lough Mourne, passing the North Road, of the like quantity or any other quantity of water at the North Gate, the Carrickfergus Commissioners undertaking to pay one half of the piping from the said pipe from Lough Mourne to the North Gate.

Provision as to further supply of water to Carrickfergus.

22. If at any time after the completion of the works of the Commissioners on the Copeland Water by this Act authorised, the Town Commissioners of Carrickfergus shall be desirous of obtaining a supply of water for the borough of Carrickfergus from the Commissioners in excess of the quantity fixed in the immediately preceding section of this Act, and shall signify such desire by requisition under their corporate seal made upon the Commissioners, the Commissioners shall, within six months from the time when such requisition shall be made, and in all time thereafter, deliver to the Commissioners of Carrickfergus, at the North Gate of Carrickfergus, such quantity of water as may be agreed upon, at such price per thousand gallons, payable quarterly, as may be agreed upon, or failing agreement, as shall be fixed by an arbitrator to be appointed by the Board of Works for Ireland, on the requisition of either party, and the arbitrator so appointed shall, in fixing such price, have regard to the quantity taken, in proportion to the cost of the works of the Copeland and Lough Mourne district as far as the point of delivery of such additional supply, and to all the other circumstances of the case.

Commissioners to maintain embankments and works.

23. Whereas great difficulties have been experienced by the Commissioners with reference to the maintenance and repair of certain parts of their existing works owing to the precipitous character of the adjoining ground and the nature of the soil: Therefore, subject to the provisions of this Act, all the now existing embankments and works of the Commissioners, and whether made for the protection of any lands or for the purposes of the Commissioners, and all embankments, reservoirs, and other works made under the authority of this Act by the Commissioners, shall be at all times duly repaired, maintained, and upheld by the Commissioners, and for that purpose, or for the prevention of any apprehended landslips or injury to the Commissioners works or waters, the Commissioners, by their officers and servants, when and as often as the same shall become necessary, may enter temporarily upon any lands adjoining those of the Commissioners for the purpose of repairing any embankment, conduit, stream, or other work or appliance of the

Commissioners, and may take and carry away any clay or other material he or they may consider necessary for the purpose of such repairs, the Commissioners subsequently paying to the person upon whose lands they may have so entered reasonable compensation for any damage done thereto, such compensation, in case of any dispute or disagreement between the Commissioners and such person, to be settled by or before one or more justices presiding at petty sessions for the district in which the lands, the subject of the dispute, are situate, subject to such right of appeal as is provided for by the eighty-second section of the Act of 1865.

A.D. 1874.
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24. If the works are not completed within seven years from the passing of this Act, then at the expiration of that period the powers by this Act granted to the Commissioners for making and completing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

25. The Commissioners may, notwithstanding any provisions in the Acts of 1840 and 1865, from time to time and at all times hereafter, supply to any person whose works are situate on or near to any of the lands, loughs, waters, or works of the Commissioners, water for the purpose of being used by or applied to water-wheels, turbine-wheels, or other machinery for trading, manufacturing, or other purposes, on such terms and conditions as may be agreed upon between the Commissioners and the person requiring the supply: Provided always, that any agreement made by virtue of this section shall not be for a term exceeding three years, but the same may from time to time be renewed for a like or any shorter term: Provided always, that no agreement shall be made under this section which may prejudice the supply for domestic purposes to be afforded by the Commissioners within the borough.

Power to supply water for machinery.

26. The Commissioners may supply water by meter to any person requiring the same for special trading or manufacturing purposes upon such terms as may be agreed upon between the Commissioners and such person, and for any term or terms not exceeding three years from the making of such contract: Provided always, that no agreement shall be made under this section which may prejudice the supply for domestic purposes to be afforded by the Commissioners within the borough.

Power to supply by meter.

27. The Commissioners may from time to time amend any rate made by virtue of the Act of 1865 or this Act by inserting therein the name of any person who ought to have been rated, or by raising or reducing the sum at which any person shall have been rated, if it shall appear to them that such person has been under-rated or

Rates may be amended.

A.D. 1874.

over-rated, or by making such other amendments therein as will make such rate conformable to the Act of 1865 or this Act, and no such amendments shall void the rate: Provided always, that every person who shall feel himself aggrieved by any such amendment shall have the same right to appeal therefrom as he would have had if his name or the correct sum had been originally inserted in such rate and no such amendment had been made, and the Commissioners shall give the same notice of such amended rate as is provided to be given for the making and fixing of the water rates.

Power to
levy rates
on houses
not included
in tenement
valuation,
&c.

28. Where any tenement which is or should be liable to be rated under the provisions of the Act of 1865, or this Act, is not included in the tenement valuation, or where any tenement shall be erected and occupied within the limits of this Act after the water rate shall have been made, the Commissioners may cause a valuation to be made of the annual value of the same, and cause the same rates or assessments to be made upon the owner or occupier thereof as they could have done if such tenement had been included in the said tenement valuation: Provided always, that if any person so rated shall feel himself aggrieved by such rate, on the ground of inequality, unfairness, or incorrectness of such valuation, he shall have the same right of appeal as provided for by the eighty-second section of the Act of 1865.

Commis-
sioners not
bound to
supply water
to premises
not rated.

29. Nothing in this Act or any of the Acts relating to the Commissioners contained shall be held or construed to make it obligatory on the Commissioners to supply water to any house or building not rated to the water rate.

Saving
exemptions
relating to
buildings for
public
worship, &c.

30. Nothing in this Act contained shall be deemed to alter, amend, or vary the third and one hundred and eleventh sections of the Act of 1840, or the seventy-sixth section of the Act of 1865, or to affect, prejudice, or interfere with any rights, easements, privileges, or exemptions conferred by or at any time subsisting by virtue of the said sections, or any of them; and the second clause of the seventy-sixth section of the Act of 1865 shall be read and construed as if the Belfast General Hospital were included therein by name.

To prevent
waste of
water.

31. For the purpose of preventing waste, mis-use, or undue consumption or abstraction or contamination of the water of the Commissioners, or any undue interference with the pipes belonging to the Commissioners, the surveyor, inspector, or any other person acting under the authority of the Commissioners, may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter into any house, building, or premises rated by the Commissioners, for the purpose of inspecting the pipes,

valves, or other apparatus therein connected with the supply of water thereto, and if upon such inspection any such waste, mis-use, or undue consumption, abstraction, or contamination, or undue interference as aforesaid shall be found to exist, or shall be deemed likely to occur from the use of any overflow spout, waste pipe, or other means or contrivance, such surveyor, officer, or person shall give or leave notice in writing with the person or persons in whose house, building, or premises such waste, mis-use, or undue consumption, abstraction, contamination, or undue interference is found or is likely to occur, or to the owner thereof, requiring him forthwith to repair, amend, or remove such overflow spout, waste pipe, or other means or contrivance, and if the same shall not be repaired, amended, or removed within twenty-four hours after the giving or leaving of such notice as aforesaid, the Commissioners may, immediately thereafter, turn or cut off the water from such house, building, or premises, or cease to supply the same with water until such repairs, amendments, or removal shall have been effectually completed; and if any undue interference with the water or water appliances shall be found, the Commissioners shall have all the remedies for the prevention thereof and for the prosecution of offenders to which they are or may be entitled by the Act of 1865.

32. In case any person shall desire to have a communication pipe from his or their dwelling-house situate within the borough connected with the Commissioners service pipe, he shall cause to be left at the office of the Commissioners a notice in writing stating that the pipe or appliances of such person is or are ready for connection, and filled up in accordance with the rules and byelaws of the Commissioners, and thereupon the inspector or other officer of the Commissioners shall visit such premises and make an inspection thereof, and point out defects (if any) in the construction or laying of such pipes, and the person who shall have given such notice shall and he is hereby required to make good any defects so pointed out, whereupon, and on the same being found satisfactory, the said pipes shall be connected by the Commissioners workmen.

Notice to be given to Commissioners when communication pipe required.

33. The Commissioners may from time to time and at all times hereafter grant unto any clerks, officers, or other servants of the Commissioners whose age shall not be less than sixty-five years, and who shall have been in the service of the Commissioners for the space of twenty years at the least, and who shall, in the opinion of the Commissioners, be deserving of the same, such pensions or superannuation allowances as in the opinion of the Commissioners shall be just, but so that the same shall not exceed three fourths of the annual salary of such persons respectively.

Power to grant superannuation allowances.

A.D. 1874.

Byelaws for
proceedings of
Commissioners.Commis-
sioners to
make byc-
laws as to
laying ser-
vice pipes.

34. The Commissioners may from time to time make byelaws, rules, and regulations for the regulation of their own proceedings.

35. The Commissioners may, if they think fit, from time to time make byelaws to be observed by plumbers and all persons engaged in laying, removing, repairing, or otherwise interfering with any service or other pipes or apparatus connected directly or indirectly with any main or pipe of the Commissioners, and may, if they think fit, license such persons as they consider properly qualified to perform or superintend the performance of such operations, and by any byelaw prohibit all other persons from performing such operations, except under the superintendence and subject in all respects to the orders and control of the persons so licensed; and the Commissioners may from time to time make such other byelaws as they think fit relating to such service or other pipes or apparatus to be used for any purpose relating to the supply of water by the Commissioners, or for the protection of the works and property of the Commissioners, and may from time to time repeal, alter, or amend any such byelaws as aforesaid, provided such byelaws be not repugnant to the law of the land and the provisions of the Act of 1865 and of this Act, and be reduced to writing and have affixed thereto the common seal of the Commissioners.

Penalties for
infraction of
byelaws.

36. The Commissioners, by the byelaws so to be made by them, may impose such reasonable penalties as they think fit, not exceeding forty shillings, for each breach of such byelaws: Provided always, that such byelaws be so framed as to allow the justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

Byelaws to
be confirmed.

37. No byelaws made by the Commissioners, except such as relate solely to the Commissioners, their officers, and servants, or the persons licensed as aforesaid, shall come into operation until the same shall be submitted to the Local Government Board for Ireland, who are hereby required, on the request of the Commissioners, to inquire into any byelaws tendered to them for that purpose, and to allow or disallow the same as they think meet.

Notice of
confirmation.

38. No such byelaws shall be confirmed unless notice of the intention to apply for confirmation of the same has been given in one or more newspaper or newspapers published within the borough one month at least before the hearing of such application, and any person desiring to object to any of such byelaws, on giving to the Commissioners notice of the nature of his objection ten days

before the hearing of the application for the allowance thereof, shall, by himself, or his counsel or attorney, be heard thereon. A.D. 1874.

39. For one month at least previous to any such application for confirmation of any byelaws, a copy of the proposed byelaws shall be kept at the principal office of the Commissioners, and all persons may at all reasonable times inspect such copy without fee, and the Commissioners shall furnish every person who applies for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so copied. Copies of byelaws.

40. Such byelaws when confirmed shall be printed, and the clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same, at a charge not exceeding sixpence for each copy, and a copy thereof shall be painted or placed on boards, which shall be hung up on the front or on some conspicuous part of the principal office of the Commissioners, and on such other places as the Commissioners may determine. Byelaws to be published.

41. Such byelaws, when so confirmed and published, shall be binding upon and be observed by all parties, and shall justify all parties acting under the same. Byelaws when confirmed to be binding.

42. The production of a written or printed copy of the byelaws, purporting to be authenticated by the common seal of the Commissioners, shall be evidence of the existence and of the due making and publishing of such byelaws in all cases. Evidence of byelaws.

43. Penalties exigible under this Act shall be recovered and applied in the same manner as is provided by the Act of 1865 with respect to penalties incurred under that Act. Recovery of penalties.

44. For the purposes of this Act, the Commissioners may from time to time borrow on mortgage, upon the security of the rates to be assessed and levied under the Act of 1865 and this Act, the balance of any sum or sums which they are authorised to borrow under the Acts of 1840 and 1865, together with such amounts as may have been paid off by them from time to time, otherwise than by way of payments to the sinking fund, and also such further sum or sums of money not exceeding the sum of one hundred and twenty thousand pounds as shall from time to time in their judgment be requisite, and they may grant mortgages for securing the moneys so borrowed charged on the rates leviable under the Act of 1865 and this Act: Provided always, that the existing amount borrowed and due at the time of the passing of this Act under the authority of the Acts of 1840 and 1865, and the interest thereof, shall be charged upon the rates leviable or the income derivable under this Act in Power to borrow.

A.D. 1874. — the same manner and to the same extent as such amount was charged upon the rates leviabie under the Act of 1865.

Certain provisions of 10 & 11 Vict. c. 16. as to borrowing incorporated.

45. For the purposes of borrowing on mortgage, all the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, except sections eighty-four, eighty-five, eighty-six, eighty-seven, and eighty-eight, shall be incorporated with and form part of this Act, and shall be applicable to the borrowing of any sum or sums of money hereby authorised to be borrowed by the Commissioners.

Former mortgages to have priority.

46. All mortgages granted by the Commissioners in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by the Commissioners by virtue of this Act.

Power to re-borrow.

47. If the Commissioners shall, otherwise than by or out of the sinking fund, pay off any part of the moneys which they are authorised to borrow or continue at interest, they may again borrow, in the manner aforesaid, the part thereof so paid off, at the like or any other rate of interest, and so on from time to time.

Priority of mortgages over other debts.

48. All money raised or to be raised by the Commissioners on mortgage, under the provisions of the Acts of 1840 and 1865, or of this Act, shall have priority against the Commissioners and the property from time to time of the Commissioners over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Commissioners or their property in respect of any rentcharge granted or to be granted by them in pursuance of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Commissioners in pursuance of any Act relating to the Commissioners which is entitled to rank in priority to or *pari passu* with the interest on their mortgages, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Commissioners for the purposes of the Commissioners undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Commissioners.

Reduction of sinking fund under Act of 1865, and new provisions as

49. Sections 66 and 99 of the Act of 1865 are hereby repealed, in so far as regards the amount of the sinking fund to be created and set apart by the Commissioners, and the following provisions with respect to the sinking fund shall take effect; that is to say,

(a.) From and after the passing of this Act, the Commissioners shall annually set apart from and out of the water rates and income arising under the Act of 1865 and this Act not less than one pound per centum of the principal money which has been or shall be borrowed and is or shall be from time to time due and owing under the authority of the Acts of 1840 and 1865, or either of them; and from and after the first day of April one thousand eight hundred and seventy-nine, the Commissioners shall annually set apart, from and out of the water rates and income arising under the Act of 1865 and this Act, not less than one pound per centum per annum on the additional amount which shall be borrowed and is or shall be from time to time due and owing under the authority of this Act; and the sums so respectively from time to time set apart shall be invested in the purchase of Government securities, and shall be increased by accumulation in the way of compound interest, until such time as is hereinafter mentioned :

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to sinking
fund.

(b.) The Commissioners may and shall apply the sinking fund to be created as herein-before provided in the redemption or discharge of such of the mortgages of the Commissioners as they may from time to time be able to redeem or discharge: Provided always, that whenever any mortgages have been so redeemed or discharged the Commissioners shall thenceforward, until the whole of the mortgages have been redeemed or discharged, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the interest which would have been payable on the amount of mortgages so redeemed or discharged: Provided also, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the mortgages then outstanding, the Commissioners may, in lieu of investing the said yearly income, apply the same in payment of the said interest, and may during such periods discontinue the payments to the said sinking fund of the yearly sums herein-before required to be paid thereto.

50. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under the Act of 1865 or this Act, transmit to the Local Government Board for Ireland a return, in such form as may be prescribed by that Board, and

Annual re-
turn to Local
Government
Board for
Ireland with
respect to
sinking fund.

A.D. 1874. — verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portions of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board for Ireland, by such return or otherwise, that the Commissioners have failed to set apart the sum required for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board for Ireland may by order direct that a sum, not exceeding the amount in respect of which such default shall have been made, shall be set apart and invested as part of the sinking fund; and such order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board for Ireland out of the Court of Queen's Bench.

Expenses
of Act.

51. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners.