



CHAPTER ccxix.

An Act for providing a better supply of Water to the high level districts of the borough of Belfast and other places adjacent thereto; for conferring further powers on the Belfast Water Commissioners; and for other purposes. A.D. 1884.

[7th August 1884.]

WHEREAS by the Belfast Water Act 1840 (in this Act called "the Act of 1840") provision was made for better supplying the town and borough of Belfast and the precincts thereof with water and by the Belfast Water Act 1865 (in this Act called "the Act of 1865") the Belfast Water Act 1874 (in this Act called "the Act of 1874") and the Belfast Water Act 1879 (in this Act called "the Act of 1879") the powers of the Belfast Water Commissioners (in this Act called "the Commissioners") were varied and increased:

2 & 3 Vict.
c. 79.
28 & 29 Vict.
c. 189.
37 & 38 Vict.
c. 151.
42 & 43 Vict.
c. 172.

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

And whereas it will be for public advantage that certain suburban districts which closely adjoin the borough should be supplied with water by the Commissioners on the terms and conditions by this Act defined and that the Commissioners should be empowered to levy rates and charges in respect of such supply:

And whereas it is expedient that the Commissioners should be empowered to acquire additional lands for the purposes of their undertaking:

And whereas it is expedient that the powers of the Commissioners for the levying of rates in respect of the supply of water within the borough should be in some respects altered and amended:

And whereas it is expedient that the qualifications of Commissioners and electors and the mode of electing Commissioners should be altered and amended:

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The expression "the Act of 1874" means the Belfast Water Act 1874;

The expression "the Act of 1879" means the Belfast Water Act 1879;

The expression "the Acts of 1840 1865 1874 and 1879" means the Act of 1840 the Act of 1865 the Act of 1874 and the Act of 1879;

The word "Commissioners" means the corporation of the Belfast Water Commissioners acting under the Belfast Water Acts 1840 to 1884;

The expression "the corporation" means the mayor aldermen and burgesses of the borough of Belfast;

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 and any extension of the borough which may hereafter be sanctioned by Parliament;

16 & 17 Vict.
c. 140.

The expression "port and harbour" means so much of the port and harbour of Belfast as is included within the borough of Belfast and the suburban districts described in this Act;

The expressions "suburban district" "suburban districts" mean the districts beyond the borough within the limits shown and enclosed by a red line on a plan signed in duplicate by the Right Honourable the Earl of Ducie the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and one copy whereof is deposited in the office of the Clerk of the Parliaments and another copy in the office of the Commissioners;

The word "person" includes a company or a corporation whether aggregate or sole;

The word "streams" includes brooks rivers and other running water;

The expression "quarter sessions" includes the recorder's court for the borough;

15 & 16 Vict.
c. 63.

The expression "general tenement valuation" means the valuation for the time being in force made under or in pursuance of an Act passed in the fifteenth and sixteenth years of the reign of Her present Majesty chapter sixty-three (intituled An Act to amend the laws relating to the valuation of rateable property in Ireland) or any Act or Acts amending the same;

The word "owner" means the person for the time being receiving the rackrent of the house or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would receive the same if

such lands or premises were let at a rackrent and for the purposes of the Lands Clauses Consolidation Act 1845 and the Acts amending the same shall have the meaning assigned to the same term by the said Acts ;

The word "rackrent" means rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises as ascertained under the general tenement valuation ;

The word "street" as used in Part III. of this Act includes any highway and any bridge roadway lane footway square court quay dock alley or passage (other than an approach enclosed by gates leading to a dwelling-house) whether open to the public or not and whether existing or made before or after the commencement of this Act ;

The expression "Summary Jurisdiction Acts" means the Petty Sessions (Ireland) Act 1851 and the Acts amending or affecting the same ;

The expression "court of summary jurisdiction" means any justice or justices of the peace or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Act therein referred to ;

The expression "South Side Works" means certain lands easements and premises which the Commissioners hold under two grants from the late Most Honourable George Hamilton Marquis of Donegall dated the eighth day of August one thousand eight hundred and sixty-one ;

The expression "office of the Commissioners" means the office of the Commissioners situate in Royal Avenue in the borough of Belfast.

PART II.

POWER TO EXECUTE WORKS AND TAKE LANDS AND WATERS.

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 :—

Power to make and maintain works and take waters.

The works herein-before referred to are :—

1. A line of pipes (No. 1) commencing at a point on the boundary fence of Lough Mourne Reservoir belonging to the Commissioners two hundred and twenty-five yards or thereabouts east of the south-east corner of the dwelling-house occupied by William Stewart and belonging or

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- reputed to belong to the trustees of the Marquis of Downshire extending thence in a westerly direction and terminating at a point one hundred and five yards or thereabouts north from the said south-east corner of the said dwelling-house the said line of pipes being wholly situate within the townland of North-east Division parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus ;
2. A road or pathway (No. 2) commencing at a point thirty yards or thereabouts north-east of the northerly face of the water tank on the boundary of Lough Mourne Reservoir thence extending in a westerly direction and terminating at a point two hundred and ninety yards or thereabouts west of the south-east corner of the said dwelling-house occupied by the said William Stewart the said road or pathway being wholly situate within the townland of North-east Division parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus ;
 3. A road (No. 3) commencing at a point on the western boundary fence of Lough Mourne Reservoir six hundred and forty-six yards or thereabouts north-west of the north-western corner of the Lough Mourne National Schoolhouse in the townland of North-east Division parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus thence extending in a westerly direction through the said townland and terminating at a point on the eastern side of the public road leading from Carrickfergus to Lough Mourne Meeting-house and Glenoe twenty-three yards or thereabouts south-east of the southern corner of the dwelling-house occupied by William Sloan and belonging or reputed to belong to the trustees of the Marquis of Downshire or to the municipal commissioners of Carrickfergus in the townland of Commons parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus :
 4. A conduit or line of pipes (No. 4) commencing at a point on the public road leading from Belfast to Andersonstown known as the Falls Road six yards or thereabouts north-west of the southern post or pillar which marks the line of the municipal boundary of the borough of Belfast at that place in the townland of Ballymurphy parish of Shankill and county of Antrim thence extending in a south-westerly direction and passing through and into the townlands of Ballymurphy Ballydownfine Ballymoney Tom-of-the-Tae-end Dunmurry and Ballycullo all in the parish of Shankill and county of Antrim the townlands

of Poleglass Killeaton and Lagmore in the parish of Derryaghy and county of Antrim and terminating at a point in the intended upper service reservoir (No. 5) herein-after described ninety-three yards or thereabouts north-east of the north-east corner of the dwelling-house occupied by Mary Stewart and belonging or reputed to belong to Sir Richard Wallace in the townland of Lagmore parish of Derryaghy and county of Antrim ;

5. An upper service reservoir (No. 5) to be formed partly by an embankment commencing at a point two hundred and ten yards or thereabouts east of the south corner of the dwelling-house occupied by Aaron Morrow and belonging or reputed to belong to Sir Richard Wallace thence extending in a south-westerly direction and terminating at a point eighty-seven yards or thereabouts south-east of the south corner of the said dwelling-house. The said intended reservoir will extend from the line of the said embankment in a north-westerly direction for a distance of three hundred and fifty-seven yards or thereabouts in a direct line and be wholly situate within the townland of Lagmore parish of Derryaghy and county of Antrim ;
6. A conduit aqueduct or line of pipes (No. 6) commencing on the margin of the intended upper service reservoir (No. 5) above described at a point eighty yards or thereabouts south-east of the south corner of the said dwelling-house occupied by Aaron Morrow in the townland of Lagmore parish of Derryaghy and county of Antrim thence extending through and into the townlands of Lagmore Aghalislone Aghnahough Magheralave Island Kelly and Aghalislone all in the parish of Derryaghy and county of Antrim the townlands of Knocknadona Moneybroom Kilcorrig Ballycarrikmaddy Ballyellough Ballymave Ballynadolly and Aghacarnan all in the parish of Magheragall and county of Antrim and the townland of Derrykillultagh parish of Ballinderry county of Antrim and terminating at a point in the townland of Island Kelly parish of Derryaghy and county of Antrim near the intended storage reservoir (No. 7) herein-after described two hundred and forty-seven yards or thereabouts west of the north-west corner of the dwelling-house occupied by John Abbot and belonging or reputed to belong to Sir Richard Wallace ;
7. A storage reservoir (No. 7) to be formed partly by an embankment commencing at a point ninety-nine yards or thereabouts south-east from the north-west corner of

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the dwelling-house occupied by David Hunter and belonging or reputed to belong to Sir Richard Wallace in the townland of Bovolcan parish of Derryaghy and county of Antrim thence extending first in a westerly direction for a distance of four hundred and thirty yards or thereabouts thence extending second in a south-westerly direction for a distance of six hundred and twenty-six yards or thereabouts and terminating at a point in the townland of Ballynadolly parish of Magheragall and county of Antrim two hundred and sixty yards or thereabouts north of the south-east corner of the dwelling-house occupied by Thomas Fox and belonging or reputed to belong to Sir Richard Wallace The said intended reservoir will extend to an extreme distance of nine hundred and seventy yards or thereabouts south-east from the line of the portion of the embankment secondly above described and through and into the townlands of Island Kelly Bovolcan and Druman-kelly in the parish of Derryaghy and county of Antrim and the townlands of Ballynadolly and Ballyclogh in the parish of Magheragall and county of Antrim ;

8. A conduit or line of pipes (No. 8) commencing at a point on the margin of the intended storage reservoir (No. 7) above described one hundred and ten yards or thereabouts south-east of the north-west corner of the said dwelling-house occupied by David Hunter and belonging or reputed to belong to Sir Richard Wallace in the townland of Bovolcan parish of Derryaghy and county of Antrim thence extending in a north-westerly direction through and into the townlands of Bovolcan Island Kelly and Ballymacward Lower in the parish of Derryaghy and county of Antrim and the townland of Tullyrusk parish of Tullyrusk and county of Antrim and terminating on the southern bank of the Leathemstown or Upper Glenavy Stream at a point one thousand and thirty yards or thereabouts east from the down-stream face of the Y bridge over the Stonyford River the said point of termination being in the townland of Ballymacward Lower parish of Derryaghy and county of Antrim ;

9. A conduit or line of pipes (No. 9) commencing at a point one hundred and ten yards or thereabouts south-east of the north-west corner of the said dwelling-house occupied by David Hunter and belonging or reputed to belong to Sir Richard Wallace in the townland of Bovolcan parish of Derryaghy and county of Antrim thence extending in a northerly direction through and into the townlands of

- Bovolcan Island Kelly and Ballymacward Lower in the parish of Derryaghy and county of Antrim and terminating at a point five hundred yards or thereabouts north-east of the northerly or up-stream face wall of the bridge carrying the public road over the Stonyford River near the village of Stonyford the said point of termination being in the townland of Island Kelly parish of Derryaghy and county of Antrim ;
10. A weir (No. 10) on the bed of the Leathemstown or Upper Glenavy Stream commencing on the northern bank of the said river, at a point in the townland of Tullyrusk parish of Tullyrusk and county of Antrim one thousand and twenty-eight yards or thereabouts east of the down-stream face of the Y bridge which carries the public road from Lisburn to Dundrod over the Stonyford River thence extending across the said river and terminating on the opposite bank of the same at a point one thousand and twenty-eight yards or thereabouts east from the down-stream face of the Y bridge above referred to the said point of termination being in the townland of Ballymacward Lower parish of Derryaghy and county of Antrim ;
 11. An inlet well (No. 11) on a small stream or tributary of the Stonyford River extending across the same and situated at a distance of five hundred yards or thereabouts north-east of the up-stream face of the bridge which carries the public road over the Stonyford River near the village of Stonyford the said well being wholly within the townland of Island Kelly parish of Derryaghy and county of Antrim ;
 12. An inlet well (No. 12) on a small stream or tributary of the Stonyford River and situated at a point four hundred and ninety yards or thereabouts east of the up-stream face of the bridge carrying the public road over the Stonyford River near the village of Stonyford the said well being within the townlands of Island Kelly and Bovolcan parish of Derryaghy and county of Antrim ;
 13. An inlet well (No. 13) on a small stream or tributary of the Stonyford River and situated at a point three hundred yards or thereabouts north of the north-west corner of the said dwelling-house occupied by David Hunter and belonging or reputed to belong to Sir Richard Wallace the said well being in the townlands of Bovolcan and Island Kelly parish of Derryaghy and county of Antrim ;

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14. A road (No. 16) commencing at the entrance gate on the occupation road known as Macaulay's Road on the southern margin of the Middle Woodburn Reservoir belonging to the Commissioners near the western end of the said reservoir thence extending along the western margin of the said reservoir and terminating on the southern side of the public road leading from Carrickfergus to Straid at a point one hundred and twenty-five yards or thereabouts south-east of the eastern corner of the Woodburn Roman Catholic Chapel the said road being wholly within the townland of West Division parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus.

Power to
take streams
waters.

6. The Commissioners may for the purposes of their undertaking take appropriate divert and use the streams and waters following or some or one of them (that is to say) :—

1. Stewart's Spring with all waters flowing into or out of or arising in the same situate on lands occupied by William Stewart and belonging or reputed to belong to the trustees of the Marquis of Downshire and falling into Lough Mourne Reservoir in the townland of North-east Division parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus ;
2. The Leathemstown or Upper Glenavy stream flowing into the Glenavy River and thence into Lough Neagh to be intercepted at a point one thousand and twenty-eight yards or thereabouts from the down-stream face of the Y bridge over the Stonyford River in the townland of Ballymacward Lower parish of Derryaghy and county of Antrim ;
3. A small stream or tributary of the Stonyford River flowing into that river and the Glenavy River and thence into Lough Neagh to be intercepted at a point five hundred yards or thereabouts north-east of the up-stream face of the bridge carrying the public road over the Stonyford River near the village of Stonyford the said point being in the townland of Island Kelly parish of Derryaghy and county of Antrim ;
4. A small stream or tributary of the Stonyford River flowing into that river and the Glenavy River and thence into Lough Neagh to be intercepted at a point four hundred and ninety yards or thereabouts east of the up-stream face of the bridge carrying the public road over the Stonyford River near the village of Stonyford the said point being in the townlands of Island Kelly and Bovolcan parish of Derryaghy and county of Antrim ;

5. A small stream or tributary of the Stonyford River flowing into that river and the Glenavy River and thence into Lough Neagh to be intercepted at a point three hundred yards or thereabouts north of the north-west corner of the dwelling-house occupied by David Hunter in the townlands of Bovolcan and Island Kelly parish of Derryaghy and county of Antrim;

6. The stream known as the Moss Stream flowing into the Stonyford River and the Glenavy River and thence into Lough Neagh to be intercepted at a point seven hundred and seventy-six yards or thereabouts up-stream from the junction of Moss Stream with the Stonyford River the said point being in the townland of Island Kelly and parish of Derryaghy or in the townland of Ballynadolly parish of Magheragall all in the county of Antrim;

All currents and springs of water whatsoever discovered or intercepted underground in the construction of any of the works authorised to be executed by this Act.

7. The following provisions shall be observed and complied with by the Commissioners in the construction of the works numbered 4 5 6 and 7 in section five of this Act (that is to say):—

As to work numbered 4:

The Commissioners shall make and maintain the conduit or line of pipes numbered 4 of closely jointed metal pipes and in such manner as shall prevent the abstraction or interception by means thereof of any waters now flowing through the townlands of Tom-of-the-Tæ-end Dunmurry and Ballycullo and as shall provide for the flow of such waters over or under the said conduit.

As to work numbered 5:

The Commissioners shall make and maintain proper conduits and channels so as to divert past the reservoir numbered 5 the surface waters and streams which now flow through the site thereof and so as to discharge the same into their original course below the site of the said reservoir.

As to work numbered 6:

(A.) The Commissioners shall make and maintain the conduit numbered 6 in such manner as shall prevent the abstraction or interception by means thereof of any underground water discovered in the construction of the said conduit.

(B.) The Commissioners shall make and maintain proper conduits and channels so as to provide for the flow over or under the said conduit numbered 6 of all streams intersected by the same which now flow into the reservoir belonging or

Provisions to be observed in the construction of works 4 5 6 7.

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reputed to belong to Sir Richard Wallace and situate in the townland of Aghalislone parish of Derryaghy in the county of Antrim.

As to work numbered 7:

The Commissioners shall construct the boundary gripe of the storage reservoir numbered 7 in such manner as that the waters of the streams now flowing through the site thereof shall flow along such boundary gripe for the use of the cattle of persons whose access to such streams is taken away by the construction of the said reservoir and whose lands abut on the said boundary gripe and the quantity of water so to be allowed to flow shall be sufficient for the use of such cattle except when and so often as the water of the said streams shall become so much diminished as not to afford a sufficient supply: the Commissioners shall construct approaches to such boundary gripe as convenient as the existing approaches to the streams and the number and character of such approaches and the supply of water thereto shall be determined in case of dispute in the manner provided by the Railways Act (Ireland) 1851 with respect to accommodation works.

Average flow
of water
down certain
streams to be
ascertained.

8. Before the Commissioners exercise the powers of taking water from the streams numbered 2 3 4 5 and 6 mentioned in section 6 of this Act they shall construct and complete and thereafter for ever maintain at or near the Y bridge proper and sufficient measuring gauges for determining the average fine weather flow of water down the said streams at the said bridge and they shall intercept only so much of the waters of the said streams as shall be in excess of such average fine weather flow and when the flow of water shall be below the average fine weather flow as so determined they shall from time to time allow to flow down the said streams such quantity of water from their reservoirs or intercepting weirs on the said streams as shall be necessary to maintain such average fine weather flow to be determined by an arbitrator to be appointed by the Board of Public Works in Ireland and the determination and award of such arbitrator shall be final and not subject to appeal or review. The provisions of this section shall be deemed to be full compensation to all parties interested in the said streams for the water taken therefrom by the Commissioners.

Gauges to be
certified, &c.

9. Every such gauge shall be examined and when approved of as fit and proper for the purpose shall be certified accordingly at the expense of the Commissioners by some competent water engineer to be agreed on between the Commissioners and Sir Richard Wallace or his successors in estate or failing agreement

to be nominated by the President for the time being of the Institution of Civil Engineers upon the application of the Commissioners or of Sir Richard Wallace or his successors in estate and shall thereafter be open to the inspection and examination of any inspector appointed by Sir Richard Wallace or his successors in estate.

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10. If at any time any gauge over or through which the compensation water from the Reservoir No. 7 or any part of such compensation water is to pass shall be in an unfit state of repair or condition for the purposes for which it is intended it shall be lawful for Sir Richard Wallace or his successors in estate to give the Commissioners notice in writing to put the said gauge into a proper and efficient repair and condition and if they fail to do so within seven days after the receipt of such notice it shall be lawful for Sir Richard Wallace or his successors in estate as the case may be to put the said gauge into proper and efficient repair and condition and to recover the expenses thereof from the Commissioners in any court of competent jurisdiction.

Sir Richard Wallace may repair gauges if Commissioners fail to do so.

11. The Commissioners shall notwithstanding the appropriation and diversion by them of the waters of Stewart's Spring authorised by this Act make and provide an approach to the said spring and allow the same to be used by William Stewart and his successors in estate as a watering-place for cattle and the size and position of such approach and all other matters connected therewith shall in case of dispute be determined in the manner provided by the Railways Act (Ireland) 1851 with respect to accommodation works.

For the protection of access to Stewart's Spring.

12. The Commissioners may in lieu of acquiring any lands for the purposes of this Act (other than lands required for the reservoirs by this Act authorised to be constructed) acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing replacing conducting or managing the works by this Act authorised and they shall give such notices and do such acts in respect of the acquisition of such easements and rights as are required by the Railways Act (Ireland) 1851 and the Acts amending the same and those Acts shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts.

Commissioners may acquire easements only in certain lands.

13. 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 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 the

Power to agree for water compensation.

A.D. 1884. Commissioners may make all such agreements and do all such acts as they shall deem expedient.

Maintenance of accommodation works.

14. In any case where the arbitrator appointed under the provisions of the Railways Act (Ireland) 1851 shall award that accommodation works shall be made by the Commissioners he may award and direct that such works shall be maintained by the owners and occupiers of the lands for the accommodation of which the works are to be made.

Compensation in lieu of accommodation works.

15. Where any claim is made to have any works made by the Commissioners for the accommodation of lands adjoining the works of the Commissioners the arbitrator appointed under the provisions of the Railways Act (Ireland) 1851 may award and direct that the Commissioners instead of making and maintaining any such works shall pay a sum of money to the owners and occupiers of such lands to be fixed by such award.

Power to deviate laterally and vertically.

16. In the construction of the works by this Act authorised the Commissioners may deviate laterally from the lines of such works Provided that such deviations shall not extend beyond the limits of lateral deviation defined upon the deposited plans and the Commissioners may deviate vertically from the levels of such works as defined on the said 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.

Period for compulsory purchase of lands and waters.

17. 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.

Power to purchase lands by agreement.

18. 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 Provided always that any land purchased or leased by agreement by the Commissioners under the powers of this section shall not be built upon by the Commissioners except for the purpose of offices or buildings requisite for their undertaking or houses for their officers or cottages for labourers or caretakers in the employment of the Commissioners.

Period for completion of works.

19. If the works authorised by this Act are not completed within six years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing such works or otherwise in relation

thereto shall cease to be exercised except as to so much thereof as is then completed. A.D. 1884.

20. The powers of the Commissioners for the construction and completion of the works specified in sections six and sixteen of the Act of 1879 shall be extended and enlarged until the first day of November one thousand eight hundred and eighty-six and on the expiration of such extended period the powers of the Commissioners in relation to the said works shall cease to be exercised except as to so much thereof as shall then be completed.

Extension of time for completion of certain works and taking certain lands under Act of 1879.

The powers of the Commissioners under the Act of 1879 for the compulsory purchase or taking of the waters of the Frenchpark and Duncrue streams shall be extended and enlarged until the first day of November one thousand eight hundred and eighty-six.

21. After the Commissioners shall have constructed the said Reservoir No. 7 the said Sir Richard Wallace 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 reservoir as he now possesses or enjoys in over or upon the lands forming the same 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 Sir Richard Wallace 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 Sir Richard Wallace 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.

Sir Richard Wallace to have the privilege of sporting on Reservoir No. 7.

PART III.

GENERAL POWERS AS TO LAYING PIPES.

22. The Commissioners may subject to the provisions of this Act lay down construct maintain and from time to time inspect and renew conduits and lines of pipes in into through or under any streets whatsoever within the borough or suburban districts or at any place within the counties of Antrim and Down not being at a greater distance than four miles in a direct line from some part of the existing works of the Commissioners between the high service reservoir in Old Park in the parish of Shankill and the point where the existing Woodburn Conduit intersects the western boundary of the town of Carrickfergus. Provided always that in laying down

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and constructing such conduits and lines of pipes under this section the Commissioners shall not intercept or abstract any water Provided also—

Commissioners to give notice of their intention to lay pipes.

Before exercising any of the powers by this section conferred the Commissioners shall give notice in writing of their intention so to do Such notice shall in the case of any street open to the public be served three clear days before the entry thereon by the Commissioners upon the authority or other persons under whose control or management such street may be or on their clerk surveyor or other officer and in the case of any street not open to the public fourteen days before the entry thereon by the Commissioners upon the owners lessees and occupiers of such street or their agents either personally or by delivering such notice at their usual places of abode.

Compensation to be paid for damage due to entry.

(A) The Commissioners shall pay full compensation for any easement taken through or under and for all damage to be done to any street not open to the public in the exercise of the powers by this section conferred Such compensation failing agreement shall be determined after the completion of the works by a court of summary jurisdiction for the district in which the works have been executed Provided that either party may appeal from the decision of such court to the county court judge for the county of Antrim or Down as the case may require for the time being whose decision shall be final and not subject to review or at the option of the claimants such compensation may be settled by two arbitrators one of whom shall be appointed by the Commissioners and one by the claimant. The arbitrators shall have power to select an umpire and the award of such umpire by himself or by himself and one or both of the arbitrators shall be final and not subject to review;

Penalty for obstructing Commissioners.

(B) Any person who shall wilfully obstruct the Commissioners their officers contractors servants or workmen in the execution of the powers of this Act shall forfeit and pay for every such offence any sum not exceeding five pounds to be recovered in a summary manner.

For the protection of the streets outside the borough of Belfast.

23. The following provisions shall be observed and complied with by the Commissioners in laying down pipes and conduits along or under any public street or in any alteration of such street outside the borough of Belfast and within the county of Antrim:—

(A.) The Commissioners shall serve notice in writing upon the county surveyor for the time being of their intention to lay down pipes or make alteration of any street not less than three days before the date of entry upon any such street;

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- (B.) The Commissioners shall pay the reasonable charges of the county surveyor with respect to the superintendence of such streets during the progress of pipe laying and alterations and failing agreement the amount so to be paid shall be determined by the recorder of the borough of Belfast who is hereby required to undertake the duty of such reference ;
- (C.) The Commissioners shall carry out all reasonable orders of the county surveyor with respect to the restoration of any street interfered with or the convenience and safety of the public using the same ;
- (D.) The Commissioners shall relay at their own expense such pipes as may require alteration in consequence of any change made in the level of any street under the authority of any grand jury assessment.

PART IV.

SUBURBAN DISTRICTS.

24. Subject to the provisions of this Act the limits and boundaries within which the rights powers privileges authorities and jurisdiction of the Commissioners under and by virtue of the Belfast Water Acts 1840 to 1884 may and shall extend and so far as applicable apply and be exercised shall comprise the suburban districts as herein-before defined Such suburban districts shall be incorporated with the five wards into which the borough is now divided in the manner shown on the plans deposited as aforesaid with reference to the suburban districts and shall be and be deemed to be part of those wards respectively for all the purposes of the Belfast Water Acts 1840 to 1884.

Extension of limits and powers of Commissioners.

25. Where any mains or pipes laid down in any street open to the public in any suburban district and now in use for the purposes of water supply are in the opinion of the Commissioners suitable for such purposes they shall if so required by the owners of such mains or pipes purchase the same and may apply towards such purchase any of the moneys authorised to be raised under this Act and the amount of such purchase money shall failing agreement be determined in the manner provided by section twenty-two of this Act in cases of disputed compensation.

Power to purchase mains and pipes in suburban districts.

PART V.

SUPPLY OF WATER TO MUNICIPAL COMMISSIONERS AND OTHERS OUTSIDE OF BOROUGH AND SUBURBAN DISTRICTS.

26. Whereas the Commissioners are authorised by section twenty-four of the Act of 1879 to make and carry into effect contracts and arrangements with any municipal commissioners local

Provisions as to supply of water to Municipal

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 Commis-
 sioners and
 others out-
 side of
 borough.

authority or board of guardians company person or persons for the supply of water by the Commissioners beyond the limits of the borough the following provisions shall apply to and have effect with regard to any such contract :

(A.) Such supply may be in bulk or otherwise as may be agreed upon ;

(B.) The Commissioners in carrying into effect any such contract or arrangement may make lay down and maintain all such works conduits pipes and fittings as may from time to time be required and may exercise all the powers conferred upon them by section twenty-two of this Act but subject (as regards the making laying down and maintaining works conduits pipes and fittings) to the limit of distance prescribed by that section ;

(C.) The Commissioners may charge for such works conduits pipes and fittings a lump sum or annual payment as may be agreed upon and in case of an annual payment the same shall continue to be paid to the Commissioners until the whole cost of such works conduits pipes and fittings shall have been repaid to them notwithstanding that the supply of water may have been discontinued ;

(D.) Where the owner of any mill manufactory house or premises shall have agreed to make such annual payment the same shall continue and be a charge on such mill manufactory house or premises until the whole cost of such works conduits pipes and fittings shall have been repaid to the Commissioners notwithstanding that the supply of water to such mill manufactory house or premises may have been discontinued and the Commissioners shall have the like rights powers privileges and remedies for the recovery of such annual payments and any other sums due to them for the supply of water as they have for the recovery of any rates assessed by them under the powers of this Act ;

(E.) Any sum due to the Commissioners under any such contract or arrangement from any municipal commissioners local authority or board of guardians shall be a debt due from them and may be recovered accordingly by the Commissioners.

PART VI.

POWER TO SELL SOUTH SIDE WORKS AND PART OF ANTRIM ROAD WORKS.

Power to
 sell South
 Side Works
 outside town

27. The Commissioners may sell and dispose of all that portion of the South Side Works extending from and including Lyster's Dam to the town side of Strandmillis Demesne subject to the

conditions and provisions prescribed by the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands.

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28. The Commissioners may sell and dispose of the remaining portions of the South Side Works extending from Strandmillis Demesne to their termination in Belfast to any person or persons who may desire to purchase the same and such sale may be by private contract or by public auction as the Commissioners think fit.

subject to pre-emption. Commissioners may sell by agreement portions inside town.

29. The agreement set forth in Schedule B to this Act dated the twenty-ninth day of April one thousand eight hundred and eighty-four and made between the Honourable Lady Harriett Anna Augusta Seymourina Ashley of the first part James Torrens and the Right Honourable George Augustus Chichester May of the second part and the Commissioners of the third part is hereby confirmed and made binding on the respective parties thereto.

Confirming agreement for purchase of the interests in the South Side Works of Lady Ashley and her trustees.

30. All moneys received by the Commissioners in respect of the sales of any portions of the South Side Works shall be applied by them in the manner following (that is to say) firstly in payment of all costs charges and expenses of and incidental to such sales and to the preparation and execution of the agreement in Schedule B. to this Act set forth and in payment of the purchase money therein mentioned and secondly to the same purposes to which moneys borrowed under the authority of this Act are applicable or in repayment of borrowed money.

Application of purchase money of South Side Works.

31. The Commissioners may from time to time sell and convey any portion of their Antrim Road Works which in the opinion of the Commissioners is not required for the purposes of their undertaking subject to the following provisions:—

Power to sell Antrim Road Works.

- (A) Any such sale and conveyance may be by way of fee-farm grant;
- (B) The consideration for such grant may be the rent thereby reserved or a sum of money in addition to such rent;
- (C) Within seven years from the date of such grant the rent thereby reserved shall be sold by the Commissioners by public auction at some convenient place within the borough;
- (D) Notice of the time and place of such auction shall be given by advertisement published at least once in three consecutive weeks in some daily newspaper published in the borough but no purchaser at such auction shall be bound to see or inquire whether such advertisements have been duly published or shall be affected by notice that such advertisements have not been duly published;
- (E) At any such auction the Commissioners may fix a reserve price or employ a person to bid on their behalf;

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(F) All moneys received by the Commissioners in respect of any such grants or sales shall be applied by the Commissioners after deducting therefrom the costs charges and expenses of and incidental to such grants or sales to the same purposes to which moneys borrowed under the authority of this Act are applicable or in the repayment of borrowed money.

PART VII.

QUALIFICATIONS AND ELECTIONS OF COMMISSIONERS AND ELECTORS.

Repeal of sections 9 and 10 of the Act of 1865.

32. From and after the second Tuesday in the month of March in the year one thousand eight hundred and eighty-six sections nine and ten of the Act of 1865 shall be and the same are hereby repealed.

Qualification of Commissioners.

33. From and after the second Tuesday in the month of March in the year one thousand eight hundred and eighty-six no person shall be qualified to be elected or act as a Commissioner unless he shall be resident within twenty miles from the office of the Commissioners and also possess one of the following qualifications (that is to say) :—

- (1) He shall be the occupier of property within the borough or suburban districts of a net annual value according to the general tenement valuation of not less than twenty-five pounds or one of several joint occupiers of premises of a net annual value according to such valuation of not less than twenty-five pounds for each of such joint occupiers and shall be registered as an elector under this Act; or
- (2.) He shall be seised or possessed in his own right of real estate in Ireland of a net annual value of not less than one hundred pounds or of personal estate of a gross value not less than one thousand pounds and shall be registered as an elector under this Act.

Declaration to be made by Commissioners before acting.

34. No person shall be capable of acting as a Commissioner (except in administering the declaration herein-after mentioned) until he shall have made and signed before one of the Commissioners a declaration in the words and to the effect following (of which and the date of making the same an entry shall be made in the book of the proceedings of the Commissioners) (that is to say) :—

“ I, A.B. do solemnly declare that I will faithfully honestly and impartially according to the best of my skill and judgment execute all the powers and authorities reposed in me as a Commissioner by virtue of the Belfast Water Acts 1840 to 1884 and that I am duly qualified as a Commissioner under the Belfast Water Act 1884 : ”

Provided always that in the declaration to be made and signed by the mayor for the time being of the borough and the chairman for the time being of the Belfast Harbour Commissioners respectively the following words (that is to say)—

“and that I am duly qualified as a Commissioner under the Belfast Water Act 1884”—

shall be omitted.

35. Subject to the provisions of this Act sections sixteen and seventeen of the Act of 1865 shall be and the same are hereby repealed.

Repeal of sections 16 and 17 of the Act of 1865.

36. Every person shall be entitled to have his name placed on the register of electors herein-after mentioned and to vote at the next ensuing election of Commissioners who on the first day of November in any year resides within twenty miles from the office of the Commissioners and shall have been for one year prior to such day rated and assessed for water under the Belfast Water Acts 1840 to 1884 in respect of property within the borough or the suburban districts occupied by him of the annual value of more than eight pounds according to the general tenement valuation and shall have paid before the said first day of November the water rate in respect of such property at which he shall have been assessed for the financial year immediately preceding Provided that—

Qualification of electors.

- (A) Where two or more persons are on the said day rated as joint occupiers of any such property as aforesaid such persons may by writing under their hands (in the form given in Schedule A to this Act) appoint one of their number who shall be entitled to have his name placed upon the register of electors;
- (B) Where any company registered under the Companies Act 1862 or any Acts amending the same shall on the day aforesaid be rated as occupiers of any such property the directors of such company may nominate by writing under the hand of their secretary (in the form given in the Schedule A to this Act or to the like effect) one of their number who shall be entitled to have his name placed upon the register of electors;
- (C) Any person ceasing to occupy any property in respect of which he shall have paid the water rate assessed thereon and who shall have become occupier of other property (exceeding eight pounds annual value) shall be entitled to have his name placed upon the register of electors notwithstanding such change;
- (D) Where any person or persons or any company is or are rated in respect of two or more valuations of property occupied

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separately by him or them such valuations shall not be capable of being added together for the purposes of this section.

A person is not disqualified from being registered and entitled to vote under this Act by reason only of being a female.

List of electors.

37.—(1.) The Commissioners shall cause to be made up on or before the first day of December one thousand eight hundred and eighty-five and on or before the first day of December in every succeeding year a list of persons qualified to vote under this Act in each ward.

(2.) The lists of electors so made up shall contain the names and addresses of the electors with a description of their qualification.

(3.) The Commissioners shall cause a copy of the list to be affixed on or before the first day of December one thousand eight hundred and eighty-five and in every succeeding year in some place accessible to the public in the office of the Commissioners or in some conspicuous place on the outside thereof.

Claims and objections.

38.—(1.) The Commissioners shall on or before the second day of December one thousand eight hundred and eighty-five and on or before the second day of December in every succeeding year cause a notice to be affixed in some place accessible to the public in the office of the Commissioners or in some conspicuous place on the outside thereof and to be published in two or more daily newspapers published in the borough requiring all persons who are not on the list of electors made up as aforesaid and who shall desire to have their names inserted therein and all persons who being on the said list desire to make a new claim as respecting their qualification to deliver or send on or before the fifteenth day of December to the secretary of the Commissioners at the office of the Commissioners a notice of claim in the form given in the Schedule A to this Act or to the like effect.

(2.) On or before the twenty-fourth day of December one thousand eight hundred and eighty-five and on or before the twenty-fourth day of December in every succeeding year the Commissioners shall cause to be made up a supplemental list for each ward containing the names and addresses of the persons claiming as aforesaid with a description of their qualification and shall cause a copy of such supplemental list so made up to be affixed on or before the twenty-fourth day of December in each year in some place accessible to the public in the office of the Commissioners or in some conspicuous place on the outside thereof.

(3.) If the secretary of the Commissioners has reasonable cause to believe that any person claiming as aforesaid is not entitled to have his name inserted in the supplemental list he shall add by a

stamp or in writing the words "objected to" to the name of such person in the margin of such list. A.D. 1884.

39. The following rules shall be observed in respect to the revision of the list and supplemental list of electors (in this section included in the expression "the list of electors") :

Rules for
revision of
list of
electors.

- (A) The Commissioners shall in every year appoint a barrister-at-law or solicitor (herein-after called "the revising officer") to revise the list of electors ;
- (B) The revising officer shall at some time between the first and fifteenth days of January in the year one thousand eight hundred and eighty-six and between the first and fifteenth days of January in every succeeding year hold a court in the office of the Commissioners for the revision of the list of electors and may adjourn such court but so that no adjourned court be held after the thirty-first day of January in any year ;
- (C) The secretary of the Commissioners shall give seven clear days notice of the time and place of holding such court by advertisement in two or more daily newspapers published in the borough and by affixing a notice in some place accessible to the public within the office of the Commissioners or in some conspicuous place on the outside thereof ;
- (D) The revising officer shall hear all persons appearing before him by themselves or by their agents in support of claims whereof notice has been given in accordance with the provisions of this Act ;
- (E) The revising officer after hearing any case shall rectify the list of electors by the insertion or omission of any name or qualification or otherwise in such manner as he thinks just in accordance with the provisions of this Act and his decision shall be final ;
- (F) The revising officer may correct any mistake which is proved to him to have been made in any claim and he shall expunge the name of every person who, whether objected to or not is proved to be dead ;
- (G) Where the name of any person appears to be entered more than once the revising officer shall inquire whether such entries relate to the same person and on proof thereof he shall retain one of the entries for voting and shall expunge the other or others Any such person may by notice in writing delivered to the revising officer at the opening of his first revision court select the entry to be retained for voting ;
- (H) In the event of the revising officer failing from any cause to perform his duty the Commissioners may appoint another barrister or solicitor in his place and any barrister or solicitor

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so appointed in his stead may do everything required and authorised by this section to be done by the revising officer ;

(I) Production of a receipt for water rates for the year preceding on an annual value of more than eight pounds shall be received by the revising officer as sufficient proof of the title of the person whose name is mentioned in such receipt to be placed on the register and he shall be placed on the register accordingly ;

(J) The Commissioners shall pay out of their revenues to the revising officer such reasonable remuneration for the time during which he shall be engaged in the performance of his duties as the Commissioners may determine not exceeding twenty-one pounds.

Register of electors.

40. The list of electors when finally revised and signed by the revising officer shall be delivered by him to the secretary of the Commissioners not later than the fifth day of February in each year and shall constitute the register of electors for the next ensuing election of Commissioners and shall remain in force until rendered invalid by the completion of the next following list of electors and the Commissioners so soon thereafter as may be reasonably convenient not being later than the twentieth day of February in each year shall cause copies of the said register to be printed according to wards in alphabetical order of streets and to be affixed in some place accessible to the public within the office of the Commissioners or in some conspicuous place on the outside thereof until the seventh day of March in each year and any person demanding a copy shall be entitled to the same on payment of such reasonable sum as shall be fixed by the Commissioners not exceeding one shilling for such copy for each ward.

No person not on register to be entitled to vote.

41. No person shall be entitled to vote at the election of Commissioners in the year one thousand eight hundred and eighty-six or in any succeeding year unless his name appears on the register of electors in force for that election.

Notice of election.

42. Not less than fifteen days notice of elections of the Commissioners shall be given by advertisement in two or more daily newspapers published in the borough and also by a placard affixed in some place accessible to the public within the office of the Commissioners or in some conspicuous place on the outside thereof and such notice shall for all purposes be sufficient without affixing placards on the doors of churches or other public places.

Proposal of candidate and notice thereof.

43.—(1.) The name and address of every candidate for the office of Commissioner together with the names and addresses of his proposer and seconder (who must both be on the register of

electors) must be stated in a proposal paper (in the form given in Schedule A to this Act or to the like effect) and must be addressed to the secretary of the Commissioners and delivered by the candidate or his proposer or seconder during office hours at the office of the Commissioners at least seven clear days exclusive of Sunday Good Friday or Christmas Day before the day appointed for the election.

(2.) Such proposal paper shall be signed by the proposer and seconder as such and by the candidate as assenting to the proposal but any such proposal paper may be withdrawn by the candidate personally five clear days before the date fixed for the holding of the election.

(3.) The Commissioners shall three clear days at least before the day of election publish the names of the candidates for election in each ward and such publication shall be by notice affixed in some place within the office of the Commissioners accessible to the public or in some conspicuous place on the outside thereof and by advertisement in two or more daily newspapers published in the borough.

(4.) When at any election the number of candidates for any ward does not exceed the number of vacancies to be filled up for that ward the Commissioners shall in the aforesaid notice state that there will be no poll for that ward and that the persons so proposed will on the day of election be deemed to be elected for that ward and on the day of election they shall accordingly be deemed to be duly elected.

(5.) If on the day appointed for the election it shall happen by reason of the death or withdrawal of a candidate or candidates that the number of candidates with respect to whom the provisions of this Act shall have been complied with shall not exceed the number of vacancies to be filled up the returning officer shall declare the candidate or candidates with respect to whom the provisions of this Act shall have been complied with to be duly elected. The returning officer shall be one of the continuing Commissioners to be appointed by the Commissioners or in his absence any registered elector entitled to vote at such election appointed by writing under his hand.

44. In case of a contested election of Commissioners the following provisions shall have effect:—

(A) The Commissioners shall fix the place of election and shall publish the same three clear days at least before the day of election and such publication shall be by notice affixed in some place within the office of the Commissioners accessible to the public or in some conspicuous place on the outside thereof and

Mode of
conducting
contested
elections.

A.D. 1884.

- by advertisement in two or more daily newspapers published in the borough ;
- (B) The poll shall be open at nine of the clock in the forenoon of the day of election and close at four of the clock in the afternoon of the same day ;
- (C) Each elector may vote for as many candidates as there are vacancies to be filled at the election for the ward in which he is a registered elector ;
- (D) No elector shall vote in more wards than one ;
- (E) The poll shall be taken by ballot ;
- (F) The ballot papers shall be provided by the Commissioners and shall show the names and descriptions of the candidates and each ballot paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face ;
- (G) At the time of voting the ballot paper shall be marked on both sides with an official mark and delivered to the voter within the polling place and the number of such voter on the register of voters shall be marked on the counterfoil and the voter having secretly marked his vote on the paper and folded it up so as to conceal his vote shall place it in a closed box in the presence of the returning officer after having shown to him the official mark on the back ;
- (H) Any ballot paper which has not on its back the official mark or on which votes are given to more candidates than the voter is entitled to vote for or on which anything except the said number on the back is written or marked by which the voter can be identified shall be void and not counted ;
- (I) After the close of the poll the returning officer shall open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate and shall forthwith declare to be elected the candidates or candidate to whom the majority of votes have or has been given and return their names to the secretary of the Commissioners and the candidates may personally be present with one agent for each candidate at the opening of the ballot box and the counting of the votes ;
- (J) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final ;
- (K) Where an equality of votes is found to exist between any candidates at an election the returning officer shall have a casting vote.

Provisions as
to elections not
to apply to any
election before
the second

45. The provisions in this part of this Act contained with respect to the election of Commissioners and the qualification of electors shall not apply to any election to be held before the second

Tuesday in the month of March one thousand eight hundred and eighty-six.

A.D. 1884.

Tuesday in
March 1886.

For supply-
ing occa-
sional vacan-
cies.

46. If any Commissioner shall die resign or decline or be or become incapable to act or shall cease to be qualified in manner by this Act provided or shall cease to be a Commissioner from any cause other than going out of office in regular course the ward represented by such Commissioner shall so far as regards such Commissioner be declared by the Commissioners to be vacant and an election shall thereupon be held for supplying such vacancy and such election shall be had and made with the like notice and in the same manner and subject to the same provisions in all respects as by this Act provided in the case of other elections of Commissioners and the Commissioner elected to fill such vacancy shall continue in office for the same period as the Commissioner in whose place he is elected would in ordinary course have continued when he shall go out of office but shall be eligible for re-election.

47. Where at any time by reason of no candidate being proposed or of any other cause there is a failure to make a valid election in accordance with the provisions of this Act the Commissioners shall forthwith cause another election to be held and the Commissioners to be chosen at such election shall continue in office for the same time as if the election had been duly made and no longer.

Where
failure to
make valid
election a
new election
to be held.

PART VIII.

FINANCE.

48. From and after the passing of this Act sections ninety ninety-one ninety-three and ninety-five of the Act of 1840 and sections sixty-six sixty-seven sixty-eight sixty-nine seventy one seventy-four seventy-seven seventy-eight seventy-nine eighty and eighty-one of the Act of 1865 shall be and the same are hereby repealed but notwithstanding such repeal the Commissioners shall have the same rights powers and remedies as if this Act had not been passed for the recovery of any water rates fixed assessed or made by them before the passing of this Act under the provisions of those sections or any of them.

Repeal of
certain sec-
tions of the
Acts of 1840
and 1865.

49. The Commissioners shall and they are hereby authorised from time to time to fix assess make and levy the water rates to be paid or payable by the occupiers of all kinds of property within the borough and suburban districts (including the port and harbour) not exceeding the limits of such rates herein-after mentioned. Such rates with any other moneys which are or shall be payable to the Commissioners under or by virtue of the Belfast Water Acts 1840

Rating
powers of
the Commis-
sioners.

A.D. 1884. — to 1884 shall be sufficient to produce a sum adequate to meet and discharge all costs charges expenses annual and other sums rents interest moneys and payments now or hereafter to become payable by the Commissioners either from time to time or otherwise under or by virtue of the Belfast Water Acts 1840 to 1884 or anything done in the execution of those Acts respectively or in the exercise of any power or authority contained therein or in any of them and also for creating a sinking fund of not less than one per centum per annum on the entire amount of principal money which has been or shall be borrowed under the authority of the Belfast Water Acts 1840 to 1884.

Public notice
of rate being
made.

50. The Commissioners shall as soon as conveniently may be after the fixing and making of the water rates give public notice thereof by advertisement in two or more daily newspapers published within the borough.

Limit of
rates.

51. Subject to the provisions of this Act the annual sums to be paid to the Commissioners for water rate within the borough and suburban districts including the port and harbour shall be as follows:—

(A.) For all dwelling-houses and buildings used partly as dwelling-houses whether receiving a supply of water or not a domestic rate not exceeding one shilling and eightpence in each pound of the annual value thereof according to the general tenement valuation;

Provided always that no such rate shall be leviable in respect of

(1) Any dwelling-house or building used partly as a dwelling-house so situate that the Commissioners are unable to supply the same with water;

(2) Any dwelling-house or building used partly as a dwelling-house not receiving a supply of water from the Commissioners and the nearest point of which dwelling-house or building is more than two hundred yards in a direct line from any main or service pipe of the Commissioners;

(3) Any dwelling-house or building used partly as a dwelling-house not receiving a supply of water from the Commissioners the owner or occupier of which is unable to lay down a communication pipe to any main or service pipe or pipe supplied with water by the Commissioners (other than a leaden communication pipe) within two hundred yards of such dwelling-house or building by reason of property belonging to other persons intervening between such dwelling-house or building and such main or service pipe or pipe supplied with water by the Commissioners;

(B.) For all other kinds of property the nearest point of which property is not more than two hundred yards in a direct line from any main or service pipe of the Commissioners or pipe supplied with water by the Commissioners a public rate being an amount in each pound of the annual value thereof according to the general tenement valuation equal to one-fourth part of the amount in the pound payable for the domestic rate from time to time under the provisions of this Act but the payment of such rate shall not entitle the person paying the same to a supply of water Provided always that all lands used solely for pastoral or agricultural purposes two statute acres or upwards in area and in the occupation of one person shall be liable only to a fixed public rate of twopence in each pound of the annual value aforesaid ;

Provided that all lands covered with water or used as a dock or timber pond and all quays the property of the Belfast Harbour Commissioners and all lands used as a railway constructed under the powers of any Act of Parliament and all tramways laid in a public street under the powers of any Act of Parliament or Order in Council for public conveyance shall be assessed and liable in the proportion of one-fourth part only of the net annual value thereof according to the valuation aforesaid :

Provided always that in every case in which any part of a building shall be appropriated and occupied as a dwelling-house and the remainder of such building shall be appropriated and used only as a building other than a dwelling-house and such parts are separately rated under the general tenement valuation they shall be deemed for the purposes of this enactment a separate dwelling-house and separate building respectively :

Parts of buildings separately rated to be deemed separate buildings.

And where in any case any part of a building shall be appropriated and occupied as a dwelling-house by caretakers or managers only and the remainder of such building shall be appropriated and used only as a building other than a dwelling-house and such parts are not separately rated under the general tenement valuation it shall be lawful for the Commissioners and they are hereby required upon the request in writing of the occupier of such building to appropriate to such part of the building as shall be occupied by such caretaker or manager as a dwelling-house its due proportion of the value of the entire building according to the general tenement valuation and to apportion to the remainder of such building the residue of the entire value of such building according to the valuation aforesaid and thereupon such parts shall for the purposes of this enactment be deemed a separate dwelling-house and separate

A.D. 1884. building respectively of such apportioned yearly values respectively as aforesaid and such apportionment shall be made by the Commissioners or any three or more of them and for such purpose they may if they think proper avail themselves of the assistance of and employ any valuator or valuers or other skilled person :

Commissioners to be bound to lay main pipe in certain cases.

Provided also that the Commissioners shall lay a main pipe in any street within the borough and suburban districts on the request in writing of the occupiers of at least twelve houses subject to the domestic rate situate in such street within a continuous distance of two hundred yards.

Apportionment of rates on change of occupation.

52. In every case in which any person being an occupier shall remove from or quit any property in respect of which any water rate or assessment shall be then payable the person so removing from or quitting such property shall be liable to pay such rate in proportion to the time that such person shall have occupied such property and in every case in which any person shall enter upon or occupy the same property the person entering upon or occupying the same shall be liable to pay the remainder of such rate (although his name may not be inserted in the assessment thereof) in proportion to the time that such person shall occupy the same in like manner as if the name of such person had been originally inserted in the said assessment which said proportion in case of dispute shall be settled and ascertained by the Commissioners or any three or more of them.

Supply for other than domestic purposes.

53. A supply of water for domestic purposes shall not include a supply of water for cattle or for horses or for washing carriages or a supply for any trade manufacture or business or for watering gardens or for fountains or for any ornamental purpose.

Owners of houses and buildings under the value of eight pounds to pay rates.

54. Provided always that the owner of any dwelling-house which according to the general tenement valuation shall be of an annual value not exceeding eight pounds shall in all cases be liable to and shall pay the water rate assessed and payable in respect thereof but if such owner shall within one calendar month after the publication by the Commissioners of the making and fixing of any water rate as herein-before directed pay to the Commissioners the rate payable by him in respect of any such dwelling-house he shall be entitled to a reduction equivalent to twenty-five pounds per centum calculated on the amount of the rate so paid by him as aforesaid. Provided always that no exemption from water rate shall be allowed by reason of any dwelling-house being unoccupied during the currency of any water rate in respect of which such reduction as aforesaid shall have been made.

55. If any dwelling-house in respect of which any such water rate or assessment as aforesaid shall be made or payable and in respect of which such repayment as mentioned in the last preceding section equivalent to twenty-five per centum shall not have been made in respect of such rate or assessment shall be unoccupied during the whole of any one quarter of a year commencing on the first day of February the first day of May the first day of August or the first day of November in any year such dwelling-house shall be exempt from water rate during the time the same shall be unoccupied. Provided always that if any person shall enter into the occupation of any unoccupied dwelling-house at any time during any quarter such person shall be liable to the payment of the water rate or assessment made or payable in respect thereof as from the commencement of such quarter.

A.D. 1884.
Dwelling-houses not occupied for three months not to be rated.

56. When any dwelling-house within the borough or suburban districts not liable to be rated for water under the Act of 1840 the Act of 1865 the Act of 1874 and the Act of 1879 shall be first rated for water for domestic purposes under this Act it shall be lawful for the Commissioners and they are hereby required to pay to the owner of such dwelling-house if previously supplied with water by means of a well or pump such compensation in money in respect of such supply as in the opinion of the Commissioners shall be reasonable having regard to the suitability of such supply and the expenses theretofore incurred in obtaining the same or it shall be lawful for the Commissioners if they think fit to exempt from rating or reduce the rate or rates payable in respect of such dwelling-house.

Owners to be compensated in respect of existing water supply.

57. The provisions of section thirty of the Act of 1874 and of section seventy-six of the Act of 1865 shall extend to this Act and shall be read and construed as if hospitals were included therein.

Exemptions in section 30 of Act of 1874 and section 76 of Act of 1865 to include hospitals.

58. From and after the passing of this Act the Commissioners may in any year in which the income of the Commissioners undertaking exceeds their expenditure invest the whole or any part of such surplus income in Government securities and the interest arising from such securities shall also be invested in the same or the like securities in order that the same may accumulate at compound interest. Provided that the reserve fund so formed shall not at any time exceed ten thousand pounds and such fund may be applied from time to time by the Commissioners in their discretion to meet any deficiency in any year in the income of the Commissioners or to pay and discharge any debt or to meet any unexpected claim or demand against the Commissioners or in the execution of any necessary repairs and if such fund shall at any time be reduced

Formation of reserve fund.

A.D. 1884. it may thereafter be again restored to the said sum and so from time to time as often as such reduction shall happen.

Power to borrow on mortgage.

59. For the purposes of this Act and the general purposes of their undertaking the Commissioners may from time to time borrow on mortgage upon the security of the rates to be assessed and levied under the authority of this Act and the other revenues of their undertaking the balance of any sum or sums which they are authorised to borrow under the Acts of 1840 1865 1874 and 1879 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 said rates and revenues 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 1865 1874 and 1879 and the interest thereof shall be charged upon the rates leviabie or the income derivable under this Act in the same manner and to the same extent as such amount was charged upon the rates leviabie or income derivable under the Act of 1840 the Act of 1865 the Act of 1874 and the Act of 1879.

For appointment of a receiver.

60. The mortgagees of the Commissioners undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

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

61. For the purpose 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 and eighty-five are incorporated with and form part of this part of this Act and shall be applicable to the borrowing of any sum or sums of money by this Act authorised to be borrowed by the Commissioners.

Former mortgages to have priority.

62. 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.

63. If the Commissioners shall otherwise than by or out of the sinking fund or the proceeds of the sale of superfluous lands 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 but all moneys re-borrowed shall be paid off within the period prescribed for the original loan and for the purposes of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan. A.D. 1884.

64. All money raised or to be raised by the Commissioners on mortgage under the provisions of the Belfast Water Acts 1840 to 1884 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 such 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 or 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. Priority of mortgages over other debts.

65. The time limited by section thirty-eight of the Act of 1879 with respect to the setting apart annually of one pound per centum of the moneys borrowed under the authority of that Act as a sinking fund is hereby extended to the first day of April one thousand eight hundred and eighty-nine. Amendment of section 38 of the Act of 1879.

66. The following provisions with respect to the sinking fund applicable to the moneys to be borrowed under the powers of this Act shall apply and have effect (that is to say):— Sinking fund.

(A) From and after the first day of April one thousand eight hundred and eighty-nine the Commissioners shall annually set apart from and out of the rates by this Act authorised to be made assessed and levied and the other revenues of their undertaking not less than one pound per centum per annum on the principal money which shall from time to time be borrowed and owing under the authority of this Act. And the sums so respectively from time to time set apart shall be applied in the reduction of the moneys borrowed under the authority of this Act;

A.D. 1884.

Provided always that the whole of the principal money borrowed under the authority of this Act shall be paid off and discharged by the Commissioners within the period of fifty years from and after the first day of April one thousand eight hundred and eighty-nine.

(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 or in the purchase of Government securities which shall be increased by accumulation by the way of compound interest and which may from time to time be sold and the proceeds applied in the redemption or discharge of mortgages. 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 granted under the powers of this Act 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.

Annual
return to
Local Go-
vernment
Board for
Ireland with
respect to
sinking
fund.

67. The secretary of the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under the Belfast Water Acts 1840 to 1884 transmit to the Local Government Board for Ireland a return in such form as may be prescribed by the Board and verified by statutory declaration if so required by them showing the amount which has been applied to the redemption of mortgages or 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 secretary shall be liable to a penalty 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.

PART IX.

MISCELLANEOUS.

68. The Commissioners may from time to time expend out of the moneys to be borrowed by them under the authority of this Act any sum not exceeding in the whole thirty thousand pounds in laying down mains pipes and fittings for the supply of water to any streets within the borough and suburban districts including all mains pipes and fittings required for communication with existing mains pipes and reservoirs Provided always that no portion of such sum shall be expended in renewing or repairing the existing mains pipes or fittings of the Commissioners.

Power to pay for mains and pipes in new streets out of borrowed money.

69. The Commissioners may build houses and workshops for the use of their officers workmen and turncocks within the borough and at their works outside the borough on land belonging to the Commissioners and the expenses incurred therein shall be defrayed out of money to be borrowed under the authority of this Act provided that such expenditure shall not exceed in the whole the sum of two thousand pounds.

Power to build houses for workmen.

70. The Commissioners may defray the cost of erecting furnishing and completing the offices recently erected by them in Belfast for the purpose of carrying on the business of their undertaking out of moneys to be borrowed under the authority of this Act Provided that the amount so to be applied shall not exceed the sum of six thousand pounds.

Commissioners may pay for new offices out of borrowed money.

71. With a view to the better protection from fire of mills and manufactories within the borough and suburban districts the Commissioners may by agreement with the owners or occupiers of any such premises and at their cost lay down fire mains from the nearest street mains belonging to the Commissioners to and through any mill or manufactory and keep the same supplied with water and the Commissioners may charge an annual sum for the inspection of such fire mains and hydrants.

Power to lay down fire mains to mills.

A.D. 1884.

Provisions
for protec-
tion of
Woodburn
Conduit.

72. Whereas the water flowing in the conduit from the Woodburn district into Belfast constructed by the Commissioners under the powers of the Act of 1865 is liable to contamination from the percolation through the sides of such conduit of surface and house drainage and such percolation would be prevented by the construction of channels and outlets for the passage of such drainage under or over the said conduit and the amount of such drainage passing on to the lands situate below the said conduit would not thereby be increased Be it enacted that from and after the passing of this Act the following provisions shall have effect for the protection of the said conduit:—

- (A) The Commissioners may from time to time provide construct lay down renew and repair such channels and outlets for surface and house drainage under or over the said conduit as they think necessary and in such manner and at such places as they think fit;
- (B) The Commissioners shall not be liable for or in respect of any injury to or pollution of any lands or premises situate below the said conduit through the discharge thereon of any water or sewage from such channels or outlets;
- (C) The costs and expenses incurred by the Commissioners in the construction of any such channels or outlets shall be paid by the owners of the premises which in the opinion of the Commissioners have been benefited thereby and the Commissioners may apportion such costs and expenses as they deem just among such owners and recover the sums apportioned from such owners in a summary manner;
- (D) The Commissioners may remove and cut away any trees or the roots of any trees growing on into or interfering with those portions of land over which the Commissioners have acquired a permanent easement and wayleave for the purposes of such conduit making compensation to all persons injuriously affected by the exercise of the powers of this subsection and such compensation shall be determined by a court of summary jurisdiction.

Power to
shut up ac-
commodation
road at the
Middle
Woodburn
Reservoir.

73. As against all persons other than those herein-after mentioned the Commissioners may shut up the accommodation road leading to and over the embankment of the Middle Woodburn Reservoir in the townland of West Division and parish of Saint Nicholas otherwise Carrickfergus in the county of the town of Carrickfergus but before doing so they shall construct and open for traffic the road numbered 16 in section five of this Act and they shall for ever after maintain in proper condition and keep open for traffic so much of such road as passes through or is situate on the

property of the Commissioners Provided always that the Marquis of Downshire and his successors in estate and his or their tenants for the time being of the holding now occupied by David Picken shall be entitled to use the said accommodation road and that his or their tenants of the holdings now occupied by Felix Magee and Patrick Magee respectively shall be entitled to use so much of the said accommodation road as extends from those holdings respectively to the high road from Carrickfergus to Straid.

A.D. 1884.

74. The following provisions shall apply and have effect for the better protection of the Lough Mourne Reservoir (that is to say) :—

For the better protection of Lough Mourne Reservoir.

(A) Persons entitled to exercise the rights referred to in the thirteenth or fifteenth sections of the Act of 1874 shall only approach the said reservoir by the road and entrance gate thereto constructed by the Commissioners at the southern end thereof and persons entitled to exercise the rights referred to in the tenth section of the Act of 1874 may approach the said reservoir by the aforesaid road and entrance gate thereto or by the road No. 3 described in section five (subsection 3) of this Act;

(B) No person whether in exercise of the said rights or otherwise shall unless with the permission in writing of the Commissioners skate slide or walk on the said reservoir when frozen;

(C) Any person whether in exercise of the said rights or otherwise offending against any of the provisions of this section or trespassing on the fences of the said reservoir shall forfeit and pay for each such offence any sum not exceeding ten pounds.

75. It shall be lawful for the Marquis of Downshire and his successors in estate and his and their tenants occupying lands adjoining the road No. 3 described in section five (subsection 3) of this Act to use the said road and the same shall be maintained by the Commissioners in a fit state for such user.

Power to Marquis of Downshire to use certain road.

76. The following provisions shall apply and have effect with respect to the drinking-places for cattle at Lough Mourne constructed by the Commissioners under the provisions of the ninth twelfth and fourteenth sections of the Act of 1874 (that is to say) :—

For the protection of drinking-places for cattle at Lough Mourne.

(A) The Commissioners shall not be liable for any damage or injury sustained by any person by reason of the failure or obstruction of the supply of water at such drinking-places or any of them where such failure or obstruction has been caused by the act neglect or default of any person or persons other than the Commissioners their servants or agents but they shall with all reasonable despatch after notice of such failure or obstruction

A.D. 1884.

restore such drinking-places and the supply of water thereto and continue to maintain the same as theretofore;

- (B) Any person causing any damage or injury to such drinking-places or any of them or interfering with the supply of water thereto shall forfeit and pay for each such offence any sum not exceeding ten pounds.

Saving rights of Municipal Commissioners of Carrickfergus.

77. Except as is by this Act expressly provided nothing in this Act shall take away prejudice or affect the rights and privileges of the municipal commissioners of Carrickfergus under sections twenty-one and twenty-two of the Act of 1874 as varied by the agreement set forth in the schedule to the Act of 1879 and confirmed by that Act.

Saving rights of Sir Thomas McClure Baronet.

78. Nothing in this Act shall be deemed or construed to prejudice or affect any property right title or interest of Sir Thomas McClure Baronet or his successors or assigns in the bed soil or foreshore of the River Lagan and Belfast Lough nor shall it be lawful to enter upon take or use any lands or property of the said Sir Thomas McClure Baronet his successors or assigns other than in streets (not being private approaches enclosed by gates and leading to a dwelling-house) for the purpose of laying pipes or constructing any works by this Act authorised without the consent in writing of the said Sir Thomas McClure Baronet his successors or assigns.

Margin of town and middle basins may be used as recreation grounds.

79. The Commissioners may allow the public to use for the purposes of recreation and amusement the margins slopes bed and pathways of the town basin and margins and pathways of the middle basin of the Antrim Road Works and in respect of such user the Commissioners shall have the following powers:—

- (A) They may from time to time make alter or repeal such bye-laws and regulations as they think fit in respect of the admission to and user of the said margins slopes bed and pathways;
- (B) They may make such charge for admission as they think fit;
- (C) They may apply the moneys received therefrom in payment of caretakers and in providing and maintaining seats or towards any other purpose conducive to the convenience or recreation of the public.

Separate transfers for each mortgage.

80. No mortgage transfer made under the provisions of the fifty-third section of the Act of 1840 or otherwise shall cover or include more than one mortgage and every transfer produced to the secretary of the Commissioners after the expiration of twenty-eight days from the date thereof shall only be entered by him on payment by the party producing the same of the sum of ten shillings.

A.D. 1884.

81. The provisions of section fifty-one of the Act of 1865 shall apply and extend to this Act.

Section 51 of Act of 1865 to apply.

82. Every person licensed by the Commissioners under the provisions of section thirty-five of the Act of 1874 who shall commit any breach of any of the byelaws of the Commissioners shall forfeit and pay in the discretion of the Commissioners any sum not exceeding fifty shillings and if he shall not pay the same within seven days from the imposition thereof his license shall ipso facto be forfeited and the Commissioners shall not renew the same until such sum shall have been paid.

Persons licensed under section 35 of the Act of 1874 to be liable to penalties for breach of byelaws.

83. Every person who shall without the permission of the Commissioners open any sluice valve hydrant fireplug pipe conduit well weir or other apparatus or works belonging to the Commissioners for the purpose of drawing off water from the same or allowing water to escape or who shall wilfully break or injure any such sluice valve pipe or other apparatus as aforesaid or who shall except as provided by the Belfast Water Acts 1840 to 1884 divert or draw off or in any way interfere with the water in any reservoir pond weir stream or work belonging to the Commissioners or in any way under their control shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty for interfering with street fittings, &c.

84. Every builder or person engaged in constructing buildings or manufacturing building materials for whose use for building purposes any water shall be unlawfully taken from any premises or pipes supplied with water by the Commissioners whether the person taking such water had the consent of the occupier or owner of the premises or not shall forfeit and pay for every such offence any sum not exceeding five pounds and for a second or any subsequent offence any sum not less than five pounds and not exceeding ten pounds. Such forfeiture shall not prevent the Commissioners recovering the value of the water so taken.

Penalty for unlawfully taking water for building purposes.

85. Every person in the occupation of any premises supplied with water by the Commissioners who shall use or permit such water to be used for other than the purposes for which it was supplied by the Commissioners or shall convey or permit the same to be conveyed to other premises or places shall forfeit and pay for each such offence any sum not exceeding five pounds.

Penalty for using water for purposes other than those for which it was supplied.

86. All penalties forfeitures sums of money costs and expenses under the Belfast Water Acts 1840 to 1884 directed to be recovered in a summary manner or the recovery of which is not otherwise provided for may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before two justices or the

Summary proceedings for penalties.

- A.D. 1884. — stipendiary magistrate acting for the borough and shall be applied in manner prescribed by section one hundred and forty-three of the Act of 1840.
- Distances. **87.** The distances mentioned in this Act shall be measured in a straight line on a horizontal plane and may be determined by the map made under the survey commonly known as the Ordnance survey.
- As to secretary of Commissioners. **88.** The clerk to the Commissioners shall hereafter be known as and called the secretary of the Commissioners and wherever the expression "clerk to the Commissioners" occurs in the Belfast Water Acts 1840 to 1884 the same shall be read as if the expression "secretary of the Commissioners" were used.
- Amendment of section 83 of Act of 1865. **89.** Section eighty-three of the Act of 1865 shall be read and construed as if the words "secretary of the Commissioners for the time being" were therein inserted instead of the words "apportioners of value so to be elected as aforesaid."
- Saving rights of the Crown in the fore-shore. **90.** Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.
- Costs of Act. **91.** 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 out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1884.

SCHEDULES referred to in the foregoing Act.

A.D. 1884.

SCHEDULE A.

FORMS.

(1.)

FORM OF PROPOSAL PAPER.

BELFAST WATER ACTS.

ELECTION OF COMMISSIONER 18th FOR WARD.

We the undersigned being respectively on the register of electors in force under the Belfast Water Act 1884 hereby propose and second the following person or persons as a candidate or candidates at the said election.

Surname.	Christian Name.	Address.	Description.

NOTE.—The full names and addresses of the proposer and seconder must be inserted.

NOTE.—The full name and address of the candidate must be inserted.

(Signed) { A.B. of (Proposer)
 { C.D. (Seconder)

I assent to the above proposal.

E.F. of (Candidate)

Dated the day of 188

(4.)

A.D. 1884.

FORM OF NOTICE to be given to the Secretary of the Commissioners by the secretary of a company registered under the Companies Clauses Act 1862 requiring that the name of one of the directors of such company be inserted in the register of electors.

TO THE SECRETARY OF THE BELFAST WATER COMMISSIONERS.

SIR,

I hereby give you notice that I claim to have the name mentioned below inserted in the list of electors prepared by you he having been duly nominated by the directors of this Company for the purpose.

Dated this day of 18 .

(Signed)

Secretary of the Company.

Name of the Company in full.	Description of premises in respect of which Company is rated viz. street road lane or other place within the borough or suburban districts and number of house (if any).	Rated Annual Value.	Name of Director to be inserted in List of Electors.

SCHEDULE B.

AN AGREEMENT made and entered into this twenty-ninth day of April 1884 between the Honourable Lady Harriett Anna Augusta Seymourina Ashley wife of the Honourable Anthony Lord Ashley of the first part James Torrens of Edenmore Belfast in the county of Antrim Esquire and the Right Honourable George Augustus Chichester May of the city of Dublin Lord Chief Justice of Ireland (herein-after sometimes called the Trustees) of the second part and the Belfast Water Commissioners of the third part.

WHEREAS by an indenture of demise bearing date the 8th day of May 1830 the Most Honourable George Augustus then Marquis of Donegall demised unto William Tennent Esquire then of Belfast aforesaid for the benefit and use of the Belfast Charitable Society certain lands springs waters and hereditaments

A.D. 1884. — therein mentioned situate on the south side of Blackstaff River in Malone for three lives with a covenant for perpetual renewal at and subject to the payment of the yearly rent of 10*l.* then currency equal to 9*l.* 4*s.* 7½*d.* sterling and also subject to a renewal fine of 25*s.* on the fall of each life and to leet money or head silver.

And whereas by another indenture of demise bearing date the 10th day of October 1831 the said late Marquis of Donegall demised unto the said William Tennent a trustee nominated by and on behalf of the said Belfast Charitable Society the lands springs waters and hereditaments therein mentioned formerly collected in the lands of John and Isaac Lyster and otherwise as therein described for three lives with a covenant for perpetual renewal at the yearly rent of 9*l.* 4*s.* 8*d.* sterling and also subject to a renewal fine of 25*s.* payable on the fall of each life.

And whereas under the third section of the Belfast Water Act 1840 all the estate right title and interest of the Belfast Charitable Society in and to the lands springs waters and hereditaments demised by the said indentures of the 8th day of May 1830 and 10th day of October 1831 (save as to a parcel of ground in Fountain Street Belfast comprised in the lease of 8th of May 1830) became vested in the Belfast Water Commissioners.

And whereas by indenture of fee-farm grant bearing date the 8th day of August 1861 made between the Most Honourable George Hamilton Marquis of Donegall of the one part and the Belfast Water Commissioners of the other part after reciting the said lease of the 8th day of May 1830 and the Renewable Leasehold Conversion Act the said Marquis in consideration of the yearly fee-farm rent of 9*l.* 7*s.* therein reserved did for ever grant unto the said Belfast Water Commissioners their successors and assigns all and singular the lands and premises together with all springs wells fountains waters and watercourses on or belonging to the said lands comprised in and demised by the said indenture of lease of the 8th day of May 1830 and in the now being recited indenture of fee-farm grant particularly mentioned situate in Malone in the parish of Belfast in the barony of Belfast and county of Antrim Excepting and reserving unto the said Marquis his heirs and assigns and the person or persons for the time being entitled to the fee-farm rent created by the now being recited indenture all mines minerals sewers common ways and passages and all royalties whatsoever in over or through the said granted premises and every part thereof not therein granted and the said Commissioners did thereby covenant with the said Marquis his heirs and assigns that they would at all times thereafter at their proper costs and charges supply and accommodate the town of Belfast and the inhabitants thereof with such and so much good pure and wholesome water from the springs wells and fountains therein mentioned as should be necessary for the daily use of themselves and their respective families and their cattle within the said town in case a sufficiency of such water could be obtained from the said wells and fountains.

And whereas by one other indenture of fee-farm grant bearing date the 8th day of August 1861 made between the said Most Honourable George Hamilton Marquis of Donegall of the one part and the said Belfast Water Commissioners of the other part after reciting the said lease of 10th day of October 1831 and the Renewable Leasehold Conversion Act the said Marquis in consideration of

the yearly fee-farm rent of 9*l.* 7*s.* therein reserved did for ever grant unto the said Belfast Water Commissioners their successors and assigns all and singular the lands and premises together with the sites dams watercourses reservoirs and embankments comprised in and demised by the said indenture of lease of the 10th day of October 1831 and in the now being recited indenture of fee-farm grant particularly mentioned situate in Lower Malone within the parish of Belfast barony of Belfast and county of Antrim Excepting all mines minerals and other royalties And the said Commissioners did thereby covenant with the said Marquis his heirs and assigns that they would not during the continuance of the grant alienate the said premises thereby granted or any part thereof from the use or benefit of the inhabitants of the town of Belfast or convert the same to any other use or purpose whatsoever and that no greater sum or tax should be laid upon any of the inhabitants on account of the now being recited grant except what is allowed and sanctioned by Act of Parliament or any future Act for that purpose And the said Commissioners did also covenant that they would allow and give twelve gallons per minute of the water which flows to what was Strandmillis Green for the use of the person or persons for the time being entitled thereto and that no part of the now being recited grant should extend or be construed to extend or deprive the people of the neighbourhood contiguous to the springs thereby granted from the use and enjoyment of the said springs and currents of water as theretofore enjoyed by them.

And whereas the said Commissioners are by section 52 of their special Act of 1865 authorised to sell and dispose of all such lands waters and premises as should be found superfluous as therein mentioned.

And whereas the said public arbitrator duly appointed by his final award dated the 20th of August 1880 made in pursuance of the Belfast Town Improvement Act 1878 awarded that the rent reserved by the said fee-farm grant herein-before secondly recited should be abated and that a sum of 210*l.* 17*s.* 6*d.* should be paid in consideration of said abatement to the owners thereof by the corporation of the mayor aldermen and burgesses of the borough of Belfast.

And whereas the said Commissioners in exercise of their powers under their special Act of 1879 took a portion of the said premises in Fountain Street and in respect of said portion the public arbitrator duly appointed by his final award dated the 13th of May 1881 awarded that the rent reserved by the said fee-farm grant herein-before first recited should be abated and that a sum of 137*l.* 10*s.* should be paid in consideration of said abatement to the owners thereof by the said Commissioners.

And whereas the said sums so awarded have not yet been paid.

And whereas the said Lady Harriett Anna Augusta Seymourina Ashley is tenant for life of that portion of the estate of her father the said Most Honourable George Hamilton Marquis of Donegall now deceased which was comprised in the said respective indentures of the 8th day of August 1861 and she is in receipt of the said fee-farm rents of 9*l.* 7*s.* and 9*l.* 7*s.* reserved thereby respectively And the said James Torrens and George Augustus Chichester May are the trustees of the estates of the said late Marquis of Donegall and with the consent of the said Lady Ashley as tenant for life thereof they may exercise an absolute power of sale over the estates of the said Marquis under an indenture

A.D. 1884. of family settlement comprising the said estates and dated the 23rd day of July 1851.

And whereas the said Commissioners have proposed to the said trustees to pay to them a sum of 598*l.* 8*s.* in consideration of a transfer to them of the said sum of 210*l.* 17*s.* 6*d.* and all interest in respect thereof payable by the said corporation and of a release from the payment of the said sum of 137*l.* 10*s.* and of the extinguishment of the said respective rents of 9*l.* 7*s.* and 9*l.* 7*s.* and other payments reserved or payable under the said respective indentures of the 8th day of August 1861 and for the purchase of all the estate and interest of the grantor under the said two several indentures of fee-farm grant free from incumbrances and the said trustees with the consent of the said Lady Ashley have agreed to said proposal of the Commissioners.

This agreement witnesseth that the said trustees will with the sanction of the said Lady Ashley sell and the said Commissioners will purchase in consideration of the sum of 598*l.* 8*s.* to be paid to them by the said Commissioners the said two several perpetual rents of 9*l.* 7*s.* and 9*l.* 7*s.* created by the said two several indentures of fee-farm grant and all other rents and duties thereby created or reserved and all powers and remedies for the recovery thereof respectively and all mines minerals sewers common ways and passages and all royalties whatsoever in over or through the said granted premises and every part thereof save such portions if any as are now vested in the Belfast Central Railway Company and in the corporation of Belfast and all the estate and interest of the grantor under the said respective indentures of fee-farm grant To hold the same unto the said Belfast Water Commissioners their successors and assigns for ever.

And these presents also witness that for the considerations aforesaid the said trustees do hereby with the consent of the said Lady Ashley engage to relinquish and quit claim unto the said Commissioners and their successors the said two several sums of 210*l.* 17*s.* 6*d.* and 137*l.* 10*s.* and all benefit thereof respectively to hold the same to the said Commissioners absolutely.

The said trustees will within ten days from the date hereof deliver to Messieurs McLean Boyle and McLean solicitors for the said Commissioners a certified copy of the clause in the said indenture of family settlement which authorises them with the concurrence of Lady Ashley to sell and convey the said fee-farm rents being part of the Donegall estates and the inheritance thereof in fee simple and this extract shall be accepted as sufficient evidence of the vendor's title the said Lady Ashley and the said trustees and the mortgagees will execute to the said Commissioners a proper assurance to carry this agreement into effect and thereupon the purchase money and all arrears of the said fee-farm rents including the apportioned part thereof down to the date of payment shall be paid by the Commissioners such assurance and release to be prepared by and at the expense of the said Commissioners who shall also pay the vendor's solicitor his approval fee thereon This agreement to be carried into effect within two months from the date hereof There is only one incumbrance by way of mortgage or otherwise affecting Lady Ashley's estates and the purchasers will accept a statutory declaration in proof of this to be made by the said James Torrens as conclusive evidence thereof without any further inquiry or searches.

In witness whereof the said Lady Ashley James Torrens and George Augustus Chichester May have hereunto set their hands and the said Belfast Water Commissioners have hereunto affixed their corporate seal the day and year first herein written. A.D. 1884.

Signed by the said LADY HARRIETT
ASHLEY,

In presence of
ASHLEY,

A. P. HEDGES,
Clerk to Messrs. Drummond,
49, Charing Cross,

HARRIETT A. A. S. ASHLEY.

Signed by the said Chief Justice MAY,
In presence of

EDWD. C. MURRAY, Solicitor

GEORGE A. C. MAY.

Signed by the said JAMES TORRENS,
In presence of

JAS. L. JOYNT,

JAMES TORRENS.

Seal of the Commissioners affixed hereto,
In presence of

RICHARD HAMILTON, Jun.



