



CHAPTER cxxvii.

An Act to extend the powers of the mayor aldermen and burgesses of the borough of Belfast for the purification of the River Lagan and for the construction of works in connexion therewith and for other purposes.

A.D. 1887.

[19th July 1887.]

WHEREAS the borough of Belfast is governed by the mayor aldermen and burgesses thereof acting by the council (in this Act called "the Corporation") :

And whereas the River Lagan is at the present time in an unsanitary condition and it is expedient that the said river should be purified and that the necessary works in connexion therewith should be constructed :

And whereas for the purpose of carrying out the said works it is necessary that a weir in the stream known as the Mile Water should be removed and placed in a different position and that the level of the banks and bed of a portion of the said stream should be altered and raised and that the Corporation should be authorised and empowered to take certain tidal or slob lands in Belfast Lough and certain other lands required for the said purposes and to construct the necessary works :

And whereas the Corporation are the burial board for the borough and have provided a cemetery therefor and it is expedient that they be authorised to make byelaws therefor :

And whereas it is expedient that further powers be granted to the Corporation for the improving and better governing of the borough and that certain of the existing powers of the Corporation be altered and amended :

And whereas it is expedient that in order to enable the Corporation to carry into effect the necessary drainage works and for other purposes of this Act further borrowing and rating powers should be conferred upon them as in this Act set forth :

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And whereas the Corporation have caused to be deposited with the clerk of the peace for the borough of Belfast and with the clerk of the peace for the county of Antrim plans and sections showing the situation lines and levels of the works proposed to be executed for the purposes aforesaid under the authority of this Act and the lands through under or upon which the same are intended to be made and which may be taken for the purposes thereof with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and describing the same lands and such plans sections and book of reference are herein referred to as the deposited plans sections and book of reference :

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited for all purposes as the *Belfast Main Drainage Act 1887.*

Act divided into parts.

2. This Act is divided into parts as follows :

Part I. Introductory.

Part II. Purification of Lagan and Sewerage.

Part III. Buildings.

Part IV. Sanitary Provisions.

Part V. Infectious Diseases.

Part VI. Markets.

Part VII. Cemetery.

Part VIII. Fires.

Part IX. Telegraph Wires.

Part X. Police.

Part XI. Financial.

Part XII. General.

Incorporation of general Acts.

3. Subject to the provisions of this Act the Lands Clauses Consolidation Act 1845 (as the same is amended by the Lands Clauses Consolidation Acts Amendment Act 1860) the Railways Act (Ireland) 1851 the Railways Act (Ireland) 1864 and the Railways

Traverse Act are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act. A.D. 1887.

4. In this Act and subject to the provisions of this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say): Interpretation.

- “The borough” means the borough of Belfast;
- “The Corporation” means the mayor aldermen and burgesses of the borough;
- “The medical officer” means the medical superintendent officer of health of the borough;
- “Constable” means an officer or member of Royal Irish Constabulary Force;
- “The surveyor” and “owner” have the same meaning as are attached thereto respectively in the County Antrim and Belfast Borough Act 1865;
- “The general purposes rate” means the rate authorised to be levied under that name by the County Antrim and Belfast Borough Act 1865 (in this Act referred to as “the Act of 1865”) the Belfast Borough Act 1868 (in this Act referred to as “the Act of 1868”) the Belfast Improvement Act 1878 (in this Act referred to as “the Act of 1878”) the Belfast Improvement Act 1884 (in this Act referred to as “the Act of 1884”) and by this Act;
- “Drain” means any drain of or used for the drainage of one building only or of premises within the same curtilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;
- “Sewer” includes sewers and drains of every description except drains to which the word “drain” interpreted as aforesaid applies;
- “Infectious disease” means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria;
- “Velocipede” includes bicycle tricycle and every like mechanical contrivance;
- “Lands” includes lands messuages tenements and hereditaments of any tenure;
- “Local Government Board” means the Local Government Board for Ireland;

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“Daily penalty” means a penalty to accrue for each day any offence shall continue after conviction.

Railway Acts (Ireland) to extend to the Corporation.

5. The Railways Act (Ireland) 1851 and the Acts amending the same shall for the purposes of this Act be read and have effect as though the Corporation were a railway company and as though the works which the Corporation is by this Act authorised to execute were railways.

Act to be executed by council.

6. Subject to the provisions in this Act contained this Act shall be carried into execution by the Corporation acting by the council and according to an Act passed in the third and fourth years of Her present Majesty chapter one hundred and eight intituled “An Act for the regulation of Municipal Corporations in Ireland” and any Act amending the same and the Public Health (Ireland) Act 1878 and any Act amending the same and other Acts respectively for the time being in force and affecting the Corporation as a municipal body and as a sanitary authority respectively and with all the rights powers privileges exemptions duties and authorities conferred and imposed by those Acts respectively on the Corporation or on the council and committees and sub-committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in those Acts respectively.

PART II.

PURIFICATION OF LAGAN AND SEWERAGE.

Power to make sewers and embankments.

7. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers and works hereinafter described or any part of them with all proper and convenient drains culverts pipes engines tanks pumping-stations and apparatus works appliances and conveniences connected therewith respectively.

The sewers and works hereinafter referred to are the following :

- (1.) A high level intercepting sewer wholly in the parish of Shankill commencing in the townland of Malone Lower in Botanic Avenue at the junction of Lower Crescent therewith passing through the townland of Townparks and terminating in or near the townland of Skegoneill in the road recently formed by the Belfast Harbour Commissioners over a portion of Thomson's Bank leading from the Belfast and Northern Counties Railway to the Harbour Commissioners' timber pond ;

- (2.) An outfall sewer commencing in or near the townland of Skegoneill at the termination of the intercepting sewer herein-before described and terminating in the Belfast Lough in or near the townland of Skegoneill in the lands to be acquired by the Corporation about midway between the Belfast and Northern Counties Railway and Twin Island West; A.D. 1887.
- (3.) A sewer one mile or thereabouts in length commencing in the piece of tidal or slob land to be acquired by the Corporation following the line of "proposed outlet pipes" and of part of the "proposed channel" as shown on the deposited plans and terminating in Belfast Lough;
- (4.) A cut or channel two furlongs four chains or thereabouts in length commencing at the termination of the said last-mentioned sewer following the line of the remainder of the "proposed channel" as shown on the said plans into and terminating in Belfast Lough opposite Middle Bank between low-water mark and the one-fathom line.

EMBANKMENTS.

- (A.) An embankment commencing at a point on the Belfast and Northern Counties Railway 22 chains or thereabouts northward of the point where the said Harbour Commissioners embankment joins the said Belfast and Northern Counties Railway and continued in an easterly direction nearly parallel to the said Harbour Commissioners embankment and terminating at a point 40 chains or thereabouts to the east of the said railway.
- (B.) An embankment commencing at a point about 2 chains eastward of the termination of the embankment (A) herein-before described and continued thence in an easterly direction in line with the said embankment (A) and nearly parallel to the Harbour Commissioners embankment to and terminating at a point 55 chains or thereabouts eastward of the said railway.
- (C.) An embankment commencing at the termination of the embankment (B) herein-before described and terminating by a junction with the Harbour Commissioners embankment at a point 45 chains or thereabouts eastward of its junction with the said railway.
- (D.) An embankment commencing at the point herein-before described as the commencement of the embankment (B) continued nearly parallel to the embankment (C) and terminating by a junction with the Harbour Commissioners embankment at a point 33 chains or thereabouts eastward of its junction with the said railway.

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(E.) An embankment parallel to the embankment (D) (so as to leave a channel between the said two embankments (D) and (E) commencing at the point herein-before described as the termination of the embankment (A) and terminating by a junction with the Harbour Commissioners embankment 31 chains or thereabouts eastward of its junction with the said railway.

Power to purchase tidal or slob lands.

8. Subject to the provisions of this Act the Corporation may purchase and take such of the lands in Belfast Lough forming part of the tidal or slob lands of the said lough as are delineated on the deposited plans and described in the deposited book of reference and may erect and maintain on such lands all needful drains culverts pipes engines sewerage and other tanks machinery and other works conveniences and appliances for any purposes of or connected with the reception storage treatment discharge and disposal of sewage or sludge and may use the said lands or any part thereof for the said purposes or any of them.

Power to move weir and interfere with Mile Water.

9. The Corporation may remove the weir now existing on the western side of the bridge or culvert carrying the street known as York Road over the stream known as the Mile Water to the eastern side of the said bridge or culvert and may in the lines and according to the levels shown on the deposited plans and sections raise the level of the said weir and alter and raise the banks of the said stream and the bed thereof where it passes under the said road making compensation to the owners of and persons interested in any lands which may be injuriously affected by anything done under the powers of this section.

Diversion of Mile Water.

10. The provisions of the Belfast Harbour Act 1882 which relate to the making of a cutting commencing in the Mile Water river and terminating in the Seal Channel and to the diversion of the Mile Water river are hereby altered and in substitution for a portion of such cutting and diversion described in section 11 of the said Act the Corporation may make in the lines and according to the levels shown on the deposited plans and sections a cut or channel in or near the townland of Skegoneill and parish of Shankill or extra parochial commencing at a point two chains or thereabouts south of the Harbour Commissioners embankment and forty chains or thereabouts east of the Belfast and Northern Counties Railway and terminating at a point in an imaginary straight line drawn from the Cholera Hospital on Twin Island West to the centre of the bridge under the said last-mentioned railway known as M'Neill's Bridge in the townland of Low Wood and the commissioners shall not make so much of the said cutting and diversion as would extend from the point described as the commencement of the cut or channel

authorised by this section to the termination of the said cutting and diversion authorised by section 11 of the said Act of 1882. A.D. 1887.

11. The Corporation may provide for the maintenance and keeping open by dredging or otherwise from time to time of any of the cuts or channels herein-before described or which may be made in connexion with the works authorised under this Act including a channel between the embankments (D) and (E) and may cover over such part or parts of such channel as they may think fit and provide means of communication through over under or across the same between the lands on either side thereof. Power to dredge and maintain channels.

12. The Corporation may in the line and according to the levels shown on the deposited plans and sections alter and raise the level of the new road of the Harbour Commissioners which runs from the Belfast and Northern Counties Railway to the Harbour Commissioners timber pond in the townland of Skegoneill in the parish of Shankill or some part or parts thereof and also of so much of Duncrue Street as extends from its junction with the said new road for a length of one chain or thereabouts. Power to alter level of new road of Harbour Commissioners and of Duncrue Street.

13. In the execution of the works by this Act authorised the Corporation may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and where the line of work as shown upon the deposited plans passes along any road or street and no limits of lateral deviation are shown on the deposited plans the Corporation may in making the works deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such road or street respectively and may deviate vertically from the levels thereof shown on the deposited sections to any extent they may think fit not exceeding five feet: Provided that no deviation from the lines and levels shown on the deposited plans shall be made below high-water mark without the consent in writing of the Board of Trade: Powers of deviation.

And provided also that in the execution of any works in or through any works land or property of the Belfast Harbour Commissioners the Corporation shall not deviate vertically from the levels shown as aforesaid to any greater extent than one foot without the consent of the said commissioners.

14. If any person wilfully obstruct any person acting under the authority of the Corporation in setting out the line of the works or deface or destroy any work made for the purpose every person so offending shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing or interfering with Corporation in execution of works.

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Power to
alter pipes
&c.

15. Subject to the provisions of this Act and within the limits shown on the deposited plans the Corporation may in executing the works by this Act authorised raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of any such work and also any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this Act :

Provided that the Corporation shall not under the powers of this Act sink or otherwise alter the position of any pipe tube wire or telegraphic apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

And provided also that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

Temporary
stoppage of
streets.

16. The Corporation may during the execution and for the purposes of any work by this Act authorised from time to time during such period as may be necessary stop up alter and divert any street road or court and prevent all persons other than those bonâ fide going to or returning from any house in the street road or court from passing along and using the same for any reasonable time.

Limiting
time for
compulsory
purchase of
lands.

17. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for
completion of
sewers and
other works.

18. The works authorised by this Act and delineated on the said plans shall be completed within seven years from the passing of this Act and on the expiration of that period the powers hereby granted to the Corporation for executing the said works shall cease to be exercised except as to so much thereof as shall then be completed.

Power to
take lands.

19. Subject to the provisions of this Act the Corporation may enter upon purchase take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act and they may carry any sewer by this Act authorised through across or under all or any of the said lands without purchasing the same making compensation to the owners of and persons interested in any lands which may be injuriously affected thereby.

Construction
of storage
tank and

20. Before discharging sewage into Belfast Lough by means of the works by this Act authorised the Corporation shall construct in

the situation shown on the deposited plans and marked thereon "proposed site for storage tank" or within fifty yards thereof on the adjoining slob lands a covered tank of sufficient dimensions to contain five million gallons :

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pumping station.
Restriction on discharge of sewage into Belfast Lough.

In order to prevent the accumulation of sewage in any part of the high level sewer and outfall sewer by this Act authorised the Corporation shall construct and maintain in connexion with the said tank a pumping station with all necessary appliances for raising the sewage into the said tank and shall work the same when necessary :

It shall not be lawful for the Corporation to discharge sewage into Belfast Lough by means of the works by this Act authorised except between the commencement of ebb tide and thirty minutes after half-ebb tide at the point of discharge :

Provided that this enactment shall not prevent the Corporation after or in time of heavy rains from permitting water which may contain sewage matter to be discharged by means of any storm outfall or overflow.

21. For the protection of the Belfast Harbour Commissioners (in this section called "the Harbour Commissioners") the following provisions shall have effect (that is to say) :

For protection of the Belfast Harbour Commissioners.

- (1.) If the works firstly or secondly described in the seventh section of this Act are commenced or constructed the Corporation shall forthwith commence the sewer thirdly described in the said section ;
- (2.) The said sewer so thirdly described as aforesaid shall be constructed throughout its course as a covered sewer and in all respects according to a plan section and specification approved by the Harbour Commissioners and shall at all times be maintained in proper order and repair by and at the expense of the Corporation ;
- (3.) The lands of the Harbour Commissioners which may be required for the purposes of constructing the said sewer shall not vest in the Corporation but the Corporation shall acquire an easement only of using such lands for the purposes authorised by this Act ;
- (4.) When any portion of the lands through which the said sewer shall be made shall have been reclaimed by the Harbour Commissioners the Corporation shall make such provision for the passing of carts and other vehicles across the said sewer on such reclaimed portion of the said lands as may be reasonably required by the Harbour Commissioners or as in default of agreement between the Corporation and the Harbour Commissioners shall be settled by arbitration.

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For protec-
tion of the
Great
Northern
Railway
Company
(Ireland).

22. For the protection of the Great Northern Railway Company (Ireland) in this section referred to as "the company" the following provisions shall have effect (that is to say):

- (1.) In this section "the sewer" means and includes so much of the high level sewer and works connected therewith as are situate in under or adjacent to the railways works or property of the company;
- (2.) Notwithstanding anything shown on the deposited sections the sewer where it crosses under the tunnel of the Belfast Central Railway of the company known as "the Windsor Tunnel" shall be so constructed that no portion of the upper surface of any part thereof shall be less than two feet below the level of the top of the rails of the said railway in the said tunnel;
- (3.) Notwithstanding anything contained in the section of this Act the marginal note whereof is "powers of deviation" the Corporation shall not in the construction of the sewer deviate vertically upwards from the levels thereof shown on the deposited sections except with the consent of the company in writing;
- (4.) No manhole ventilating shaft or opening connected with the sewer shall be placed on any land of the company except with the consent of the company in writing and subject to such terms and conditions as they may prescribe;
- (5.) The sewer shall be constructed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the engineer-in-chief of the company and in such position only within the limits of deviation shown on the deposited plans and according to such plans sections and specifications as shall be reasonably approved of by him;
- (6.) The Corporation shall also at their own expense make proper provision to the reasonable satisfaction of the said engineer-in-chief of the company for the proper and efficient drainage of the railway at each of the several places where the sewer crosses the railway;
- (7.) The Corporation shall at all times maintain the sewer in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineer and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands and works of the Corporation as in their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said engineer to be the reasonable amount of such their expenditure shall be repaid

to them by the Corporation and in default of payment may be recovered from the Corporation with full costs in any court of competent jurisdiction ;

- (8.) The Corporation shall not without in every case obtaining the previous consent of the company under their common seal take use enter upon or interfere with any of the lands railways works or property from time to time belonging to or in the possession or under the power of the company except only such part or parts of their said lands as it shall be absolutely necessary for the Corporation to take use enter upon or interfere with for the purpose of making and maintaining the sewer ;
- (9.) With respect to any land or property of the company which the Corporation are by this Act authorised to use enter upon or interfere with the Corporation shall not purchase or take the same but the Corporation may purchase and take and the company may and shall sell and grant to the Corporation accordingly an easement or right of using the same for the purposes for which but for this enactment the Corporation might purchase and take the same ;
- (10.) The Corporation shall not in any manner in the construction or maintenance of the sewer or drainage works obstruct or interfere with the free uninterrupted and safe use of the railways of the company or any traffic thereon ;
- (11.) The Corporation shall during the construction of the sewer and any subsequent repair thereof bear and on demand pay to the company the expense of the employment by the company of a sufficient number of inspectors and watchmen to be appointed by the company for watching their said railways and the works connected therewith with reference to and during such construction and repair and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person employed by the Corporation or their contractors ;
- (12.) If by reason of the construction or repair of the sewer or any proceedings of the Corporation or the failure of the sewer or any act or omission of the Corporation or of their contractors or any person employed by the Corporation or their contractors the railways of the company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent

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jurisdiction and if any interruption or interference shall be occasioned to the traffic of the company by reason of any of the matters or causes aforesaid the Corporation shall pay to the company all costs and expenses to which the company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference such costs and expenses and compensation to be recoverable with full costs by the company from the Corporation in any court of competent jurisdiction ;

(13.) Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers or privileges of the company otherwise than is herein expressly provided ;

(14.) The Corporation and the company may agree in writing with respect to any variation or alteration in the works mentioned in this section or as to the manner in which the same shall be executed ;

(15.) Any question which may arise between the Corporation and the company under this section shall on the application of either the Corporation or the company be referred to and determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of and incidental to the reference shall be borne and paid as the referee shall direct.

For protection of the Belfast and Northern Counties Railway Company.

23. For the protection of the Belfast and Northern Counties Railway Company in this section referred to as "the Northern Counties Company" the following provisions shall have effect (that is to say) :

(1.) In this section "the sewer" means and includes so much of the high level sewer and works connected therewith as are situate in under or adjacent to the railways works or property of the Northern Counties Company ;

(2.) Where the sewer by this Act authorised will pass under the railway of the Northern Counties Company at or near Jennymount the Corporation shall connect with the said sewer the culvert constructed by the said company along the west side of their railway ;

(3.) If the Corporation raise or alter the level of the footpath over the said culvert at the point where the said sewer will cross under it they shall properly form and make up the said footpath where so raised or altered and shall to the reasonable satisfaction of the engineer of the company alter the level of the said footpath on each side of the said point of crossing for a sufficient distance therefrom to afford proper gradients ;

- (4.) The said sewer shall be constructed in such a manner as not to interfere with the foundations of the footbridge across the said railway at Jennymount ;
- (5.) Notwithstanding anything in this Act the Corporation shall not in any way alter the level of the said railway nor shall they be entitled to purchase or take any property or land of the said company but they may purchase and the said company shall sell an easement or right of constructing maintaining repairing and renewing the sewer and works by this Act authorised so far as they will be upon or under any railway works land or property of the said company and of using the same for that purpose ;
- (6.) The sewer where it will cross under the said railway shall be constructed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the engineer of the Northern Counties Company and in such position only within the limits of deviation shown on the deposited plans and according to such plans sections and specifications as shall be reasonably approved of by him ;
- (7.) The Corporation shall at all times maintain the sewer in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineer and if and whenever the Corporation fail so to do the Northern Counties Company may make and do in and upon as well the lands and works of the Corporation as in their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Corporation and in default of payment may be recovered from the Corporation with full costs in any court of competent jurisdiction ;
- (8.) The Corporation shall not without in every case obtaining the previous consent of the Northern Counties Company under their common seal take use enter upon or interfere with any of the lands railways works or property from time to time belonging to or in the possession or under the power of the said company except only such part or parts of their said lands as it shall be absolutely necessary for the Corporation to take use enter upon or interfere with for the purpose of making and maintaining the sewer ;
- (9.) With respect to any land or property of the Northern Counties Company which the Corporation are by this Act authorised to use enter upon or interfere with the Corporation shall not purchase or take the same but the Corporation may

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purchase and take and the said company may and shall sell and grant to the Corporation accordingly an easement or right of using the same for the purposes for which but for this enactment the Corporation might purchase and take the same ;

(10.) The Corporation shall not in any manner in the construction or maintenance of the sewer or drainage works obstruct or interfere with the free uninterrupted and safe use of the railways of the Northern Counties Company or any traffic thereon ;

(11.) The Corporation shall during the construction of the sewer and any subsequent repair thereof bear and on demand pay to the Northern Counties Company the expense of the employment by the said company of a sufficient number of inspectors and watchmen to be appointed by the said company for watching their said railways and the works connected therewith with reference to and during such construction and repair and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person employed by the Corporation or their contractors ;

(12.) If by reason of the construction or repair of the sewer or any proceedings of the Corporation or the failure of the sewer or any act or omission of the Corporation or of their contractors or any person employed by the Corporation or their contractors the railways of the Northern Counties Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the said company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent jurisdiction and if any interruption or interference shall be occasioned to the traffic of the said company by reason of any of the matters or causes aforesaid the Corporation shall pay to the said company all costs and expenses to which the company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference such costs and expenses and compensation to be recoverable with full costs by the said company from the Corporation in any court of competent jurisdiction ;

(13.) Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests

powers or privileges of the Northern Counties Company otherwise than is herein expressly provided; A.D. 1887.

(14.) The Corporation and the Northern Counties Company may subject to the provisions of this Act agree in writing with respect to any variation or alteration in the works mentioned in this section or as to the manner in which the same shall be executed;

(15.) Any question which may arise between the Corporation and the Northern Counties Company under this section shall on the application of either the Corporation or the said company be referred to and determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of and incidental to the reference shall be borne and paid as the referee shall direct.

24. Whereas certain mains pipes services and other works belonging to and now in use by the Belfast Water Commissioners (in this section referred to as "the Water Commissioners") for the purpose of their water supply may be interfered with by the works by this Act authorised: And whereas it is expedient that provisions should be made for the protection of the Water Commissioners and for preventing any interruption of the supply of water by the Water Commissioners within their limits of supply: Therefore the following provisions shall have effect: For protection of Belfast Water Commissioners.

(1.) The Corporation shall not under the powers of this Act either by themselves or any contractor agent or workman commence any alteration of any main pipe service fitting or other work of the Water Commissioners or commence the construction of any work which may cause interruption to the supply of water by the Water Commissioners or which may lead to or render probable any such interruption or any damage to or interference with any main pipe service fitting or other work of the Water Commissioners until after fourteen days notice thereof in writing shall have been given by the Corporation to the Water Commissioners and if the Water Commissioners by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such work require that the Water Commissioners shall by their own engineer or workmen make any necessary alteration of any main pipe service fitting or other work the Water Commissioners may on the expiration of the first-mentioned notice execute the same but to the reasonable satisfaction and under the supervision of the engineer for the time being of the Corporation and the Corporation shall on the completion thereof pay to the Water Commissioners the reasonable expenses incurred

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by them in the execution thereof: Provided that in any case of emergency if the Water Commissioners consider it necessary by reason or in consequence of any work of the Corporation under the powers of this Act to do any work immediately in order to prevent the waste of water or damage to their mains pipes or other works or injury or inconvenience to the inhabitants then the Water Commissioners shall be at liberty to do such work without having given such notice as aforesaid provided that notice of the necessity of such immediate work shall be given to the Corporation by the commissioners with all reasonable despatch: The costs incurred by the commissioners in executing such work shall be paid to them by the Corporation;

- (2.) If any interruption whatsoever in the supply of water by the Water Commissioners shall be in any way occasioned by the works of the Corporation or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Corporation shall be liable to a penalty not exceeding the sum of twenty pounds for every day during which such interruption shall continue to be recoverable by the Water Commissioners in a summary manner as directed by the 86th section of the Belfast Water Act 1884;
- (3.) If any difference shall arise between the Corporation or their engineer and the Water Commissioners or their engineer touching any matter relating to the execution of the works or to compensation for damages such difference shall be settled by arbitration in accordance with the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration;
- (4.) The Corporation shall indemnify and save harmless the Water Commissioners from all loss costs damages or expenses they may be at or be put to or have incurred by reason of any interruption in the supply of water by the Water Commissioners in any way occasioned by the Corporation or by the works of the Corporation or by the acts of any of their contractors agents workmen or servants or any person in the employment of them or either of them and such loss costs damages or expenses shall be borne by the Corporation and may be recovered from them by the Water Commissioners;
- (5.) The expense of all repairs or renewals of any main or service pipes of the Water Commissioners or any works in connexion therewith which may at any time hereafter be rendered necessary by the works of the Corporation under this Act shall be

borne by the Corporation and may be recovered from them by the Water Commissioners ; A.D. 1887.

(6.) In the event of any main or service pipe of the Water Commissioners or service or other pipes supplied with water by the Water Commissioners and near or contiguous to the works of the Corporation authorised by this Act being injured by such works or in consequence of such works or by exposure or by any default or act of the Corporation their contractors agents workmen or servants or any person in the employment of them or either of them the Corporation shall without delay reinstate the same and leave such main or service or other pipes in as good condition as the same were in immediately before such injury : Provided that notice of any injury shall as soon as practicable be given to the Water Commissioners by the Corporation and the Water Commissioners may within three days of the receipt of such notice or immediately in case of emergency reinstate the main or service or other pipe so injured without any further notice whatever and the Corporation shall pay to the Water Commissioners the reasonable expenses incurred by them in such reinstatement ;

(7.) Except as expressly stated herein nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the Water Commissioners.

25. It shall not be lawful for the Corporation to purchase compulsorily any part of the land and property numbered on the deposited plans 15 in the townland of Lower Malone situate at the angle formed by the junction of Felt Street and Utility Street ; But the Corporation may purchase and the owner or owners of and parties interested in the said property shall sell an easement or right of making maintaining using repairing and renewing the sewer by this Act authorised through or under the triangular portion of the said property at the south-western angle thereof contained within two lines extending from the said angle for the length of twenty-five feet on each side and a third line thirty-six feet in length forming the base of such triangular portion and the amount of the purchase money to be paid for such easement shall be settled under the provisions of the Acts incorporated with this Act in the same manner as if such easement were land.

For protection of John Bedell.

26. Nothing in this Act authorises the Corporation to purchase ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others

Restriction on taking houses of labouring class.

A.D. 1887. — working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to grant easements.

27. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and for the purposes of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Errors and omissions in plans &c. to be corrected by justices who shall certify the same.

28. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Corporation may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Antrim and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands in accordance with such certificate.

Powers of Act to be in addition to and not in substitution for general powers.

29. The Corporation shall have with regard to the sewers by this Act authorised the same powers and authorities in addition to the powers by this Act conferred which they would have if the said sewers were constructed by them under the powers of the Public Health (Ireland) Act 1878.

Power to construct drain for house if built in contravention of section

30. Where any person has been convicted of causing any drain to be constructed within the borough in contravention of section 27 of the Public Health (Ireland) Act 1878 the Corporation may cause such drain to be laid relaid or amended or remade as the case may

require and may recover the expenses incurred by them in so doing from the owner of the house in the same manner as new street expenses are recoverable under the local Acts relating to the Corporation.

31. Whenever the owner or occupier of any premises within the borough desires that the sewer or drain from such premises be made to communicate with any sewer of the Corporation and whenever the Corporation shall require the sewer or drain of any premises within the borough to be made to communicate with a sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose: Provided that such communication may be made by the owner or occupier if he so think fit under the supervision and to the satisfaction of the Corporation.

32. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any drain or sewer within the borough or any sewer of the Corporation without the borough any matter or substance other than ordinary sewage matter which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the construction of the drains or sewers or produce corrosion or decay in the materials thereof or generate noxious or offensive gases and every person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding five pounds to be recoverable by the Corporation with full costs of suit in any court of competent jurisdiction.

33. Every person who having had notice from the Corporation of the provisions of this section shall within the borough at any time after the expiration of seven days from the service of such notice turn or knowingly permit to enter into any sewer or drain communicating therewith any waste steam condensing water or heated water from any boiler or other receptacle used with any steam engine or for any manufacturing or trade purpose (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit) or who shall cause or permit steam to be discharged over or into any street shall be liable for every such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. The Corporation or any of their officers may enter into any premises for the purpose of examining whether the provisions of this section are being contravened and if such admission be refused any justice on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in

A.D. 1887.
27 of Public
Health
(Ireland)
Act 1878.

Corporation
may make
communica-
tions between
private
drains and
their sewers
on payment
&c.

Refuse and
other injuri-
ous matters
not to pass
into sewers.

Steam &c.
not to be
turned into
sewers.

A.D. 1887.

writing of such intended complaint has been given to the person having custody of the premises) may by order under his hand require such person to admit the officer of the Corporation into the premises and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed.

As to low level intercepting sewerage works.

34. The Corporation shall within seven years from the passing of this Act make and complete such low level sewers and works as may be necessary for intercepting and diverting into the outfall works by this Act authorised all the sewage flowing into the River Lagan and the Victoria Channel through the sewers of the Corporation which will not be intercepted by the high level sewer by this Act authorised and the Corporation shall commence such low level sewers and works as soon as the other works by this Act authorised shall be so far advanced that they can conveniently do so.

PART III.

BUILDINGS.

Act to be in force within the borough.

35. The following provisions of this Act unless and except as herein-after expressly provided shall be in force and have effect within the borough.

Hoards to be set up during progress of buildings &c.

36. Every person intending to build or take down any building or to alter or repair the outward part of any building in any street or court shall before beginning the same unless the Corporation otherwise consent in writing cause close boarded hoards or fences to the satisfaction of the Corporation to be put up in order to separate the building from the street or court with (if the Corporation so require) a convenient covered platform and handrail to serve as a footway for passengers outside of such hoard or fence and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as in their opinion the public safety or convenience requires and shall when required by the Corporation in order to prevent accidents cause the same to be sufficiently lighted during the night and shall remove the same when required by the Corporation: And any person offending against the provisions of this section shall be liable to a penalty of not exceeding five pounds and for a continuing offence to a daily penalty of not exceeding forty shillings.

Stands &c. not to be used until

37. No person shall permit to be used any stand platform or other erection of a temporary nature alongside or in front of any

house or building not being a platform forming part of a railway or railway station into or upon which it is intended that the public should be admitted until the same shall have been approved in writing by the surveyor. A.D. 1887.
approved by
surveyor.

38. The powers and provisions of this part of this Act with regard to buildings shall not extend or apply to any buildings built or to be built or rebuilt by or under the authority of the Belfast Harbour Commissioners upon their own land for their own use or for public purposes. Exception of
buildings of
the Belfast
Harbour
Commis-
sioners.

39. The Corporation may from time to time accept in trust for the inhabitants of the borough and allow the erection in public streets and places in the borough of such statues and other monuments fountains and drinking places as they think fit and may maintain the same and any statues monuments fountains and drinking places so accepted and erected before the passing of this Act and keep them in good order and repair. Power to ac-
cept statues
&c.

PART IV.

SANITARY PROVISIONS.

40. If any nuisance or annoyance to the inhabitants of the borough arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the borough the owner and occupier of such building and curtilage shall be liable at the suit of the Corporation to the same penalties as they would be liable to if the whole of such building and curtilage had been within the borough. Power to
deal with
nuisance on
premises
partly within
and partly
without
borough.

41. The Corporation if they think fit may purchase or otherwise acquire by agreement any building (including the site and appurtenances thereof) which or a part of which is used for but is in their opinion unfit for human habitation. Power to
purchase
building un-
fit for human
habitation.

PART V.

INFECTIOUS DISEASES.

42. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been required by the Corporation to leave their dwellings for the purpose of enabling such dwellings to be disinfected. Corporation
shall pro-
vide tempo-
rary accom-
modation
during dis-
infection of
dwellings.

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Cowkeepers and others to furnish list of customers in certain cases.

43. Whenever it shall be certified to the Corporation by the medical officer or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Further powers in relation to disinfection of premises.

44. Where the Corporation are of opinion on the certificate of the medical officer or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section: And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

45. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on

being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding five pounds.

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46. No person shall without the sanction in writing of the medical officer or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Prohibiting the retention of dead bodies in certain cases.

47. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the medical officer certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding five pounds.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

48. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of a body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or

Justices may in certain cases order dead bodies to be buried.

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relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

49. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Penalties only recoverable by Corporation.

50. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation.

PART VI.

MARKETS.

Forfeiture of articles left in markets.

51. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the clerk or inspector of the market or fair) may be taken possession of by the clerk or inspector and if the same being of a perishable nature be not claimed within twelve hours after the closing or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale (after deducting any unpaid toll due in respect thereof and the expenses of detention and sale) to the owner on demand if made within twelve months after the sale but if demand be not so made the proceeds of the sale shall be forfeited to the Corporation.

PART VII.

A.D. 1887.

CEMETERY.

52. Subject to the provisions of the Public Health (Ireland) Act 1878 as to byelaws the Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):

Byelaws as to cemetery.

For fixing the time of opening and closing the cemetery of the Corporation;

For prohibiting the hunting snaring taking destroying injuring molesting or pursuing any animal or bird or the seeking for taking or destroying of birds nests or birds eggs in the said cemetery;

For preventing the admission of dogs to and the use of velocipedes in the said cemetery;

For regulating the admission of persons to the said cemetery.

PART VIII.

FIRES.

53. Any constable or member of the fire brigade of the Corporation or any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or into any building or lands adjoining or near thereto without the consent of any owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Power to enter and break open premises in case of fire.

54. The superintendent of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire in the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the extinguishment of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the parts of the building on fire or of adjoining buildings against which the water is to be directed. Any person wilfully obstructing any of such operations shall be liable to a penalty not exceeding forty shillings.

Superintendent of fire brigade to have control of operations.

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PART IX.

TELEGRAPH WIRES.

As to tele-
graph wires
&c. over
streets.

55. With respect to the fixing placing or attaching of wires tubes or other apparatus across over or along but not under any public street for telegraphic telephonic or any electrical purpose (all and every of which are and is in this section included under the word "apparatus") the following provisions shall have effect (that is to say):

(1.) No such apparatus shall be so fixed placed or attached as to cross over or pass along any public street except with the previous license in writing of the Corporation under the hand of the town clerk which license shall not be unreasonably refused and subject to such terms and conditions as they may from time to time prescribe so as to prevent danger annoyance or obstruction to passengers or traffic passing over or along or being in or upon such street. Any person who offends against this enactment or who fails to observe and perform any of such terms and conditions shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings for every day the offence shall continue after notice in writing under the hand of the town clerk of the breach of this enactment and the Corporation may cause such apparatus to be removed and altered and may recover the expense of and incidental thereto in any court of competent jurisdiction;

No license granted as aforesaid shall be revocable except by notice in writing and upon some ground in the interest of the public to be stated in the notice;

(2.) Where such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a license under this Act the following provisions shall have effect (that is to say):

(a.) The owner or lessee of such apparatus shall always keep the same in repair and good condition and in default thereof the Corporation may serve notice on him to put the same into repair and good condition and if he fail to do so the Corporation may remove the same and may recover from him the expenses of so doing;

(b.) If in the opinion of the Corporation any such apparatus is so placed as to be or to have become or to be likely to become a cause of danger obstruction or annoyance to passengers or traffic in the street the Corporation may serve notice on the owner or lessee thereof to remove the

same and if he fails to do so the Corporation may remove the same subject to the appeal herein-after provided and may recover from him the expenses of so doing ;

(3.) If the Corporation refuse the application for such license or attach thereto any terms or conditions which the applicant deems unreasonable or revoke any license for any reason which the licensee deems to be not in the interest of the public or to be unreasonable or where the Corporation serve notice on the owner or lessee of such apparatus to remove the same in cases in which such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a license under this Act or in any case in which any question shall arise whether any or if any what amount of compensation should be paid in respect of such removal the applicant or licensee or such owner or lessee or the Corporation as the case may be may proceed as in a case of summary jurisdiction under the Petty Sessions (Ireland) Act 1851 and any Act amending the same for an order in the premises including any order for a license or for a modification of the terms or conditions upon which the license has been granted or against the revocation of the license or against the removal of the apparatus (as the case may be) and the court may make such order thereon as they think fit and may direct by whom the cost of the application and of such removal shall be borne. If the order be for a modification of the terms or conditions upon which a license has been granted the license shall continue in force until lawfully revoked in accordance with this section subject only to the modified terms and conditions specified in the order. If the order be against the revocation of a license the revocation shall be to all intents and purposes null and void ;

(4.) The Corporation may from time to time upon giving reasonable notice to the owner or lessee thereof inspect and examine any such apparatus in order to ascertain whether it is so fixed placed or attached and is generally of such description and in such condition as not to be productive of such danger annoyance or obstruction ;

(5.) The Corporation by their officers and servants may at all reasonable times (but in case of an occupied building only between the hours of nine in the morning and six in the afternoon and after twelve hours notice to the occupier of such building) enter upon any lands or buildings in upon or to which any such apparatus is for the time being fixed placed or attached for the purpose of making such examination and inspection or of doing or executing any work under this section

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without being deemed trespassers or liable to any action indictment or other proceeding on account thereof ;

(6.) Any expenses or compensation payable under the provisions of this section may be recovered summarily or in a county court or any court of competent jurisdiction ;

(7.) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connexion with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway ;

(8.) This section shall not apply to any apparatus or property of Her Majesty's Postmaster-General ;

(9.) Nothing in this section shall extend to any work of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

Saving for
Postmaster-
General.

56. Nothing contained in this Act shall prejudice or affect the rights powers and authorities of the Postmaster-General under the Telegraph Acts 1863 to 1878.

PART X.

POLICE.

Park-keepers
and market
officers &c.
may be
appointed
special
constables.

57. Any two justices may upon the application of the town clerk from time to time appoint and swear in not exceeding two persons to act as special constables within any public park established and maintained by the Corporation and not exceeding two persons to act as special constables within the cemetery provided that such constables shall wear a distinctive uniform.

Prohibition
of obscene
bills &c.

58. If any person affixes to or inscribes on any house wall board urinal or convenience or on any pavement or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

59. If any person exhibits any indecent show or exhibition in any street or in any place to which admission is obtained by payment of money he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justices before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

A.D. 1887.
Indecent
shows &c.

60. The Corporation may from time to time make and enforce byelaws for regulating the use of velocipedes in any public park or place established and maintained by the Corporation: Provided that no fine for any one offence exceeds the sum of two pounds and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the fine.

Byelaws as to
velocipedes.

61. If any person shall feel aggrieved by any order determination or adjudication of the Corporation under the provisions of this Act such person may appeal to the general quarter sessions of the borough in the same manner and subject to the same conditions as in the case of any like appeal under the Act of 1884.

Parties may
appeal to
quarter
sessions on
giving
security.

PART XI.

FINANCIAL.

62. And whereas the Corporation have powers under an Act passed in the eighth and ninth years of the reign of Her present Majesty intituled "An Act for the Improvement of the borough of Belfast" herein-after called "the Act of 1845" (section 63) to purchase property by agreement for widening enlarging and rendering more commodious streets within the borough or to be otherwise disposed of for making new streets or otherwise for any of the other purposes of that Act and (section 106) to purchase and take any part of the site of a house or building or of the land connected therewith where any house or building in or near any street shall be burnt or pulled down or shall be intended to be rebuilt and the Corporation shall be desirous of widening such street or of making any alteration in the line of the house or building: And the Corporation have also power (section 115) to order projecting houses or buildings to be set back in certain cases to the line of the street or the line of the adjoining houses or buildings: But the Corporation have no funds out of which they are empowered to meet expenses incurred by them in improvements under the said sections other than the rates levied by them under the Act of 1845 and it is expedient that they

Power to
borrow for
certain street
improve-
ments.

A.D. 1887. should be enabled to borrow money for the purpose: Be it therefore enacted that the Corporation may from time to time borrow on the security of the general purposes rate for the purpose of meeting any expenses to be incurred by them under the said recited sections of the Act of 1845 such sum or sums of money not exceeding twenty thousand pounds as they may from time to time think necessary: Provided that all moneys borrowed for the purposes of this section shall be repaid by the Corporation by means of a sinking fund or otherwise within a period not exceeding forty years from the date of the loan.

Altering time for making estimate for general purposes rate.

63. Notwithstanding anything in section 50 of the Act of 1865 the estimate to be made by the Corporation for the purposes of that section shall be made at such time during the month of November or December in each year as the Corporation may from time to time find convenient.

Power of Corporation to borrow on mortgage or annuity.

64. The Corporation may for the purposes of this Act borrow such moneys as they may from time to time think requisite for all or any of the purposes of this Act not exceeding in the whole the sum of two hundred thousand pounds on mortgage or annuity charged upon the general purposes rate at such rate of interest and on such terms of repayment as they may think fit and if after having borrowed the said sum or any part thereof the Corporation shall pay off the same otherwise than from a sinking fund they may again borrow on the security aforesaid the amounts paid off and so from time to time and upon every such reborrowing the rate of interest may be increased or diminished.

Form and execution of mortgages and annuities.

65. Every mortgage or annuity to be granted by the Corporation shall be by deed duly stamped in which the consideration shall be truly stated and may be in the forms contained (mutatis mutandis) in the First Schedule to the Act of 1884 or to the like effect and may be partly printed and partly in writing and shall be under the seal of the Corporation and signed by two members of the Corporation and the town clerk: Provided that no person so signing shall by his subscription of any such mortgage or annuity be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Town clerk to keep a register of mortgages and annuities.

66. The town clerk shall keep a register of all mortgages and annuities granted under this Act and of all transfers and assignments thereof and within fourteen days after the date of any such mortgage or annuity the town clerk shall enter into such register the

number and date thereof and the names of the parties thereto with their proper additions and within thirty days after the date of any transfer of a mortgage or annuity granted under this Act it shall be produced to the town clerk who shall enter into such register the date and particulars of such transfer and for such entry the town clerk may demand and receive the sum of two shillings and sixpence. A.D. 1887.

67. Any person entitled to any mortgage granted by the Corporation under the authority of this Act may discharge the same and his right and interest therein in favour of the Corporation and every such discharge may be written or partly written and partly printed on the mortgage and may be (*mutatis mutandis*) according to the form contained in the Second Schedule to the Act of 1884 or to the like effect and such discharge when signed by the person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes as a release of the rate mortgaged from the said mortgage. Discharge of mortgages.

68. The Corporation in the exercise of their borrowing powers may from time to time take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company according to the usage of bankers in Ireland to the extent of the sum which they are by this Act authorised to borrow or any part thereof and may make and grant mortgages as aforesaid in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon. Power to borrow on cash credit.

69. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any mortgage or annuity may be subject and the receipt of the person in whose name any mortgage or annuity stands in the register of mortgages shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such mortgage or annuity notwithstanding any trust to which the same may then be subject and whether or not the Corporation have had notice of such trust and the Corporation shall not be bound to see to the application of the money paid upon such receipt. Corporation not bound to regard trusts.

70. If any mortgage or annuity be transmitted in consequence of the bankruptcy of the person entitled thereto there shall be produced to the Corporation or the town clerk official evidence of such bankruptcy and of the vesting of the bankruptcy estate in the trustee official assignee or other person to whom such estate shall be transferred. Transmission of mortgages in case of bankruptcy.

A.D. 1887.

Evidence of transmission in certain other cases.

71. If any mortgage or annuity be transmitted by any other lawful means than by a bankruptcy or death or a transfer according to the provisions of this Act such transmission shall be authenticated by a declaration made under the provisions of the Act passed in the fifth and sixth years of his late Majesty King William the Fourth intituled "An Act for the more effectual abolition of oaths and affirmations" stating the manner in which and the party to whom the mortgage or annuity is transmitted and such declaration shall be made by some credible person having knowledge of the facts stated therein and in the case of transmission by death the probate of the will of or letters of administration to the personal estate of the deceased mortgagee or annuitant as the case may be shall be produced to the town clerk: And for the purpose of this section any mortgage or annuity shall be deemed to be transmitted if the name of the holder thereof become changed.

Arrears may be enforced by appointment of receiver.

72. The holders of mortgages under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages and the holders of annuities under this Act may enforce payment of arrears due in respect of their annuities by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application is made shall not be less in the aggregate than ten thousand pounds or in respect of annuities the arrears due shall not be less than five hundred pounds and the following sections of the Commissioners Clauses Act 1847 namely section 86 "Arrears of interest and principal and interest when to be enforced by the appointment of a receiver" and section 87 "As to the appointment of a receiver" are incorporated with and form part of this Act and shall be read for the purposes of this Act as if the Corporation were named therein instead of the commissioners.

Saving existing mortgages of Corporation.

73. Nothing in this Act contained shall prejudicially affect the mortgages of the Corporation existing at the passing of this Act.

Expenses of Corporation under this Act.

74. All moneys borrowed by the Corporation for the purposes of this Act and for the purposes of constructing any additional intercepting or other sewers to be made by the Corporation for the better sewerage of the borough and of any works and appliances provided in connexion therewith and the interest thereon respectively shall be charged upon and shall be paid and satisfied out of the general purposes rate.

75. In estimating every year under the provisions of their local Acts the amount required for the several purposes to which the general purposes rate is applicable the Corporation or the committee of the Corporation as the case may be shall include as nearly as may be the amount which will be required for the purposes of this Act and the amount required for payment of the interest on money borrowed by the Corporation under this Act and the annual appropriations by way of sinking fund as by this Act provided shall be placed in the estimate next after the amount estimated as required for interest and sinking fund in respect of money borrowed under the Act of 1884 and the money arising from the general purposes rate shall be applied accordingly: Provided that (except as herein expressly directed) nothing herein contained shall alter or affect the application of the money arising from the said rate as required by the said Acts:

A.D. 1887.

Providing for increase of general purposes rate.

And provided also that if in any year the general purposes rate as limited before the passing of this Act shall appear insufficient for all the purposes to which it is applicable the amount thereof may be increased for the purposes of this Act so that it shall not exceed three shillings and fourpence in the pound upon the annual value of the rateable property situate within the districts of the borough from time to time lighted and watched by the Corporation under the provisions of the Act for the improvement of the borough of Belfast (8 & 9 Vict. cap. cxlii.) and of any Act or Acts extending or modifying the same and two shillings and sixpence in the pound upon the annual value of all other rateable property within the borough.

76. In respect of any increase of or addition to the general purposes rate made for any of the purposes of this Act the Belfast Harbour Commissioners in respect of all land covered with water or used as a canal and any towing-path to the same shall be assessed and liable in the proportion of one-fourth part only of the net annual value of such land and the said commissioners and any railway company in respect of all land used as a railway constructed under the powers of any Act of Parliament for public conveyance shall in like manner be assessed and liable in the proportion of one-fourth part only of the net annual value of such land.

Rating of Belfast Harbour Commissioners and railway company.

77. All money borrowed by the Corporation under this Act shall be applied in payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act and in purchase of the lands authorised to be purchased and interests therein and the costs connected therewith

Application of money borrowed.

A.D. 1887. — and in the execution of the works authorised by this Act and generally to the purposes of this Act to which capital is properly applicable.

Sinking fund.

78. The Corporation shall repay or provide for the repayment of all moneys to be borrowed by them for the purposes of this Act and of the additional works aforesaid and of all moneys at any time reborrowed in lieu thereof within forty years from the date of the original loan and shall once in every year to be computed from the first day of January one thousand eight hundred and eighty-seven appropriate and set apart out of the general purposes rate a sum not exceeding three per centum nor less than two per centum per annum on the amount borrowed by them under the powers of this Act and shall apply the same (in addition to any other moneys which under this Act they are to apply towards the repayment of money borrowed) either to the gradual extinction of the debt for the time being or to the formation of a fund to be accumulated for the discharge of such debt or for both of those purposes and the Corporation may invest the fund to be accumulated as aforesaid in the name of the Corporation in the public stocks or funds or in Government or real securities and may from time to time vary the same.

Annual return to Local Government Board with respect to sinking fund.

79. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board for Ireland a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been invested or applied for the purpose of such sinking fund during the year preceding the making of such return and the description of 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 and any interest on such moneys have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds recoverable in a summary manner by the said board. If it appear to the said Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act 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 said Local Government Board may by order direct that a sum not exceeding double 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 said Local Government Board. A.D. 1887.

PART XII.

GENERAL.

80. The provisions of Part IV. (Lands) of the Act of 1884 shall *As to lands.* *mutatis mutandis* extend and apply to lands purchased by the Corporation under the powers of this Act but not laid into or forming part of the works by this Act authorised.

81. Byelaws under this Act shall and may be made confirmed published and enforced in the like manner and with and subject to the like powers and provisions as byelaws authorised to be made under the Act of 1878. *Confirmation and enforcement of byelaws.*

82. All penalties payable under this Act or any byelaw made thereunder shall be recoverable in like manner and with like powers proceedings and remedies for enforcing the same as are provided by the Act of 1845 for the recovery of penalties imposed by that Act and may be recovered in addition and without prejudice to any other remedy provided by any of the local Acts relating to the Corporation. *Recovery of penalties.*

83. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and when any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs. *Corporation not to construct any work on shore of the sea &c. without consent of the Board of Trade.*

A.D. 1887.

Survey of
works by
Board of
Trade.

84. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement
of work
abandoned
or decayed.

85. If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Savingrights
of the Crown
in the fore-
shore.

86. Nothing contained in this Act shall authorise the Corporation 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.

Savingrights
of the Crown.

87. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to 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.

88. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

A.D. 1887.
—
Saving rights
of Crown
under Crown
Lands Act
1866.

89. The costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation.

Costs of Act.

London: Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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