



CHAPTER clxxviii.

An Act for providing an additional supply of water to the city of Belfast and the suburban districts adjacent thereto to confer further powers on the Belfast City and District Water Commissioners and for other purposes. A.D. 1893.
[27th July 1893.]

WHEREAS by the Belfast Water Acts 1840 to 1889 the Belfast City and District Water Commissioners (in this Act called "the Commissioners") were incorporated and their powers from time to time defined regulated and extended :

And whereas it is estimated that the population within the Commissioners' district of supply now exceeds two hundred and seventy thousand persons and is rapidly increasing :

And whereas the Commissioners are advised that their existing sources of supply will at no distant date be inadequate to meet the demands of the increasing population and it would be for the public advantage that the Commissioners should be empowered to obtain a supply of water from the Kilkeel and Annalong Rivers and their tributaries in the county of Down and for that purpose to acquire the lands and construct and maintain the works in this Act mentioned :

And whereas in order to facilitate the construction of such works it is expedient that the Commissioners should be empowered to construct the short lines of temporary railway in this Act mentioned :

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

And whereas it is expedient that the provisions of sections 4 and 24 of the Belfast Water Act 1884 should be extended and made to apply to certain lands and premises in the townland of Oldpark

A.D. 1893. in the parish of Shankhill and county of Antrim shown on the plans deposited as after mentioned :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and waters required or which may be taken for the purposes or under the powers of this Act and also showing the extension by this Act authorised of the suburban districts created by the Belfast Water Act 1884 were duly deposited with the respective clerks of the peace for the county of Down the county of Antrim and the county of the town of Carrickfergus and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the Belfast Water Act 1893 and is divided into parts as follows :—

Part I. Preliminary :

Part II. Power to execute works and to take lands and waters :

Part III. Power to borrow :

Part IV. Miscellaneous.

This Act and the recited Acts to be construed as one Act.

2. This Act and the Belfast Water Acts 1840 to 1889 as each of such Acts is amended and varied by any other of such Acts and by this Act shall be read and construed together as one Act and may be cited as the Belfast Water Acts 1840 to 1893.

Incorporation of Acts.

3. The Lands Clauses Acts and Part I. relating to the construction of a railway of the Railways Clauses Act 1863 also the Railways Act (Ireland) 1851 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act 1868 the Waterworks Clauses Act 1847 except sections 68 69 70 71 72 and 73 and the sections thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit the Waterworks Clauses Act 1863 and so much of the Commissioners Clauses Act 1847 as relates to the borrowing of

money on mortgage except where expressly varied by or inconsistent with this Act are incorporated with and from part of this Act And in the said incorporated Acts or any of them or in any Acts incorporated therewith or with this Act unless there be something in the subject or context repugnant to the respective constructions hereinafter defined the expression "the special Act" means this Act the expressions "the promoters" "the promoters of the undertaking" "the undertakers" "the company" mean respectively the Commissioners the word "secretary" means the secretary of the Commissioners the expressions "the railway" "the undertaking" mean respectively the railway and the works by this Act authorised the expressions "purchase money" "compensation" and other equivalent expressions shall include the compensation in money to be made in respect of damage to any lands mills manufactories or works situate in the course of or using or entitled to use any of the waters by this Act authorised to be taken and appropriated by the Commissioners Provided that section 44 of the Waterworks Clauses Act 1847 as incorporated in any Acts relating to the undertaking of the Commissioners including this Act shall be construed as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" had been omitted therefrom.

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4. With reference to this Act the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall extend to all the works by this Act authorised and be read and construed as if the expression "clerks of the unions within which such parishes are included in Ireland" or the words "clerks of the unions" (as the case may be) had been used and inserted in such sections in lieu of the expression "the postmasters of the post towns in or nearest such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

As to deposit of plans with clerks of unions.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

Interpretation.

The expression "the Act of 1865" means the Belfast Water Act 1865 ;

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

The expression "the Act of 1884" means the Belfast Water Act 1884 ;

The expression "the Act of 1889" means the Belfast Water Act 1889 ;

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The word "Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1893 ;

The expression "the Corporation" means the Lord Mayor aldermen and citizens of the city of Belfast ;

The expression "city of Belfast" and the word "city" mean the entire city and municipal district of Belfast and are synonymous with the expression "borough of Belfast" as defined in the fourth section of the Act of 1884 ;

The expressions "undertaking" "water undertaking" includes streams springs wells reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water under the authority of the Belfast Water Acts 1840 to 1893 vested in the Commissioners ;

The expressions "drainage areas" "catchment areas" mean lands off and from which waters flow directly or indirectly into the Commissioners reservoirs and works respectively ;

The expression "Commissioners' district of supply" means the city of Belfast and the suburban district adjacent thereto defined by the Act of 1884 and this Act ;

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

The expression "quarter sessions" includes the Recorder's Court for Belfast ;

The expression "statutory securities" means securities in which trustees in Ireland are for the time being by or under any general Act of Parliament passed or to be passed authorised to invest trust moneys or such other securities as cash under the control of the Chancery Division of the High Court in Ireland may for the time being be invested in ;

The expressions "water stock" and "stock" respectively mean the Belfast City and District Water Commissioners Redeemable Stock ;

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

The word "street" includes any highway and any bridge road lane footway square court quay dock alley area passage or

place whether open to the public or not and whether existing or made before or after the commencement of this Act; A.D. 1893.

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

PART II.

POWER TO EXECUTE WORKS AND TO TAKE LANDS AND WATERS.

6. Subject to the provisions of this Act the Commissioners may make construct lay down and maintain in the lines and according to the levels shown on the deposited plans and sections the several works shown on those plans together with all proper embankments dams sluices weirs outlets overflows washouts bridges roads approaches wells tanks basins gauges filter beds discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones and other means of electric communication engines apparatus houses buildings gates stiles steps stations sidings and works and all conveniences connected with or auxiliary to the said works or any of them or necessary for inspecting maintaining repairing cleansing managing and using the same and the Commissioners may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The works herein-before referred to comprise the principal works next described (that is to say):—

Power to construct works and take lands.

- (1.) A storage reservoir (No. 1) to be situate in the valley of the Kilkeel River in the townlands of Ballinran Mourne Mountains East Ballinran Upper and Carrigenagh Upper parish of Kilkeel and county of Down;
- (2.) A conduit aqueduct or line of pipes (No. 2) commencing at a point near the embankment of the storage reservoir (No. 1) before described and terminating in the townland of Carryduff in the parish of Drumbo and county of Down;
- (3.) A road (No. 3) commencing at a point near the termination of the embankment of the storage reservoir (No. 1) before described and terminating at a point on the western side of the public road leading from Attical Roman Catholic Chapel to Bingian National School;
- (4.) A railway (No. 4) (four miles four furlongs and 5·35 chains in length) commencing on the western side of the public road leading from Attical Roman Catholic Chapel to the Bingian National School near the termination of the road (No. 3) before

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- described and terminating at a point on the north-western side of the public road leading from Annalong to Kilkeel ;
- (5.) A railway (No. 5) (three furlongs 2·85 chains in length) commencing by a junction with railway (No. 4) before described in the townland of Brackenagh West parish of Kilkeel and county of Down and terminating in the townland of Brackenagh West parish of Kilkeel in the same county ;
- (6.) A conduit aqueduct or line of pipes (No. 6) commencing at a point in the Kilkeel River within the storage reservoir (No. 1) before described and terminating in the townland of Carrigenagh Upper parish of Kilkeel and county of Down ;
- (7.) A weir (No. 7) on the Annalong River in the townlands of Mullartown and Moneydorrugh More Upper in the parish of Kilkeel and county of Down ;
- (8.) A conduit aqueduct or line of pipes (No. 8) commencing and terminating in the said townland of Mullartown ;
- (9.) A road (No. 9) commencing and terminating in the said townland of Mullartown ;
- (10.) A service reservoir (No. 10) to be formed partly by an embankment commencing in the townland of Carryduff parish of Drumbo and county of Down and terminating in the said townland of Carryduff and parish aforesaid ;
- (11.) A conduit or line of pipes (No. 11) commencing near the embankment of the service reservoir (No. 10) before described in the townland of Carryduff and terminating in the townland of Carryduff aforesaid ;
- (12.) A conduit or line of pipes under pressure (No. 12) commencing in the service reservoir (No. 10) before described in the said townland of Carryduff and terminating on the public road leading from Belfast to Ballynahinch known as the Ormeau Road in the townland of Ballynafoy parish of Knockbreda and county of Down ;
- (13.) A conduit or line of pipes under pressure (No. 13) commencing on the public road leading from Belfast to Ballynahinch known as Ormeau Road and within the city of Belfast and terminating in the townland of Malone Lower parish of Shankhill and county of Antrim ;
- (14.) A conduit or line of pipes under pressure (No. 14) wholly situate within the townland of Malone Lower parish of Shankhill city of Belfast and county of Antrim :

Provided that any telegraphs telephones and other means of electric communication constructed by the Commissioners shall not be used for the purpose of transmitting telegrams or telephonic messages in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869.

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7. Subject to the provisions of this Act for the purpose of facilitating the construction of the works by this Act authorised for preventing the pollution of the water supply of the Commissioners and for protecting their waterworks against nuisances encroachment or injury the Commissioners may in addition to the lands required for the works by this Act authorised enter upon take and use compulsorily or by agreement the lands herein-after in this section described shown on the deposited plans described in the deposited books of reference and situate in the —

Additional lands for facilitating construction of works prevention of pollution &c.

Townland of Clonachullion in the parish of Kilcoo and county of Down also the townlands of Glasdrumman Upper Mourne Mountains East Leitrim Upper Ballinran Upper Carrigenagh Upper Brackenagh West Upper Brackenagh West Brackenagh East Upper Ballyveagh Beg Upper Ballyveagh More Upper Moneydorrugh More Upper Mullartown Upper and Mullartown all in the parish of Kilkeel and county of Down ;

Townlands of Mourne Mountains East Ballinran Upper and Carrigenagh Upper all in the parish of Kilkeel and county of Down ;

Townlands of Mourne Mountains East Moneydorrugh More Upper Mullartown Upper and Mullartown all in the parish of Kilkeel and county of Down ;

Townlands of West Middle and North-East Divisions and Commons in the parish of Saint Nicholas or Carrickfergus and county of the town of Carrickfergus ;

Townlands of Crossmary and Ballyhill in the parish of Kilroot and the townland of Blackhill parish of Templecorran in the county of Antrim ;

Townlands of Brackenagh West and Carrigenagh in the parish of Kilkeel and county of Down ;

Townlands of Glasdrumman and Ballaghanery and Ballaghanery Upper in the parish of Kilkeel and county of Down also the townlands of Ballaghbeg and Tullybranigan in the parish of Kilcoo and county of Down also the townland of Killinure parish of Saintfield and county of Down also the townland of Mealough parish of Drumbo and county of Down :

Nothing herein contained shall entitle the Commissioners to preclude the owners lessees or occupiers other than Lord Kilmorey

For protection of certain

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—
owners of
quarries &c.

or other the owner or owners for the time being of the Mourne Estate in this Act mentioned his or their lessees tenants and licensees of quarries on the lands comprised in the catchment areas and situate outside the lands marked on the deposited plans as additional lands from carrying on their operations as heretofore or from opening and working new quarries in any part of such areas not purchased by the Commissioners from Lord Kilmorey or other the owner or owners for the time being of the said Mourne Estate so long as such operations do not pollute the water supply of the Commissioners or interfere with the carrying out of the works :

Provided that the roadway lying north-east of the Annalong River and adjacent to the boundaries of the additional lands as shown on the deposited plans shall not be closed by the Commissioners or the access to the quarries by means thereof interfered with until a proper and sufficient road be substituted therefor by the Commissioners to the satisfaction in case of dispute of the arbitrator to be appointed under the Railways Act (Ireland) 1851 whose decision shall be final :

The lands in this section mentioned or referred to or any other lands which may be acquired for protective purposes shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts Provided always that the Commissioners shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings for or connected with their waterworks :

The Commissioners may let for such period as they think fit or sell any land acquired under this section on the terms that such land shall not be broken up for tillage but shall be used wholly as pasture or meadow and that no buildings shall be erected thereon Provided also that the proceeds of any such sale shall only be applied to purposes of this Act to which capital is properly applicable.

Power to
acquire ease-
ments.

8. Subject to the provisions of this Act the Commissioners may instead of acquiring lands for the purposes of this Act (other than lands required for the reservoirs tanks roads basins and weirs and railways by this Act authorised and lands forming the catchment areas of the Kilkeel and Annalong Rivers) acquire such easements over and rights in such lands as they may require for the purpose of from time to time constructing re-constructing placing laying inspecting maintaining cleansing repairing replacing enlarging adding to conducting or managing the conduits by this Act authorised and they shall give such notices and do such acts in respect of the acquisition of such easements and rights as are

required by the Railways Act (Ireland) 1851 and the Acts amending the same in the case of the taking of lands and those Acts and the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts. A.D. 1893.

9. Subject to the provisions of this Act the particulars of the easements or rights to be acquired under this Act by the Commissioners shall be set forth in the schedules to be lodged under section 4 of the Railways Act (Ireland) 1851 and the arbitrator to be appointed under that Act shall determine the amount of compensation to be paid by the Commissioners in respect of the acquisition of such easements and rights. Compensation for easements.

10. The following provisions shall have effect for the protection of the owners and occupiers of lands which will be traversed by Conduits Nos. 2 6 and 8 by this Act authorised if and so far as the Commissioners acquire easements or rights only in or under such lands :— Provisions for protection of landowners.

- (A.) Where the Commissioners acquire an easement or right they shall not fence off the lands in or under which such easement or right operates from the adjoining lands save that they may erect temporary fences during the construction of the works ;
- (B.) Upon the completion of the works the owners may use and cultivate the lands as theretofore subject to the right of the Commissioners to examine and maintain the conduits as described in section 8 of this Act and to lay new conduits from time to time Provided that the lands shall not be so used as to cause injury to the Commissioners' works ;
- (C.) The surface of the lands after the completion of the works shall be restored as near as may be to its original level except where it is shown on the deposited sections to be filled or raised ;
- (D.) Conduits Nos. 2 6 and 8 shall be made and maintained in such manner as shall not permit of the interception or abstraction by means thereof of streams or surface waters except those of the Kilkeel and Annalong Rivers ;
- (E.) All drains and channels intersected by the conduits shall be restored and made good by the Commissioners so far as the nature of the work will permit ;
- (F.) The Commissioners shall erect and for ever after maintain proper gates or stiles at the respective points where the conduits aqueducts or lines of pipes cross any fence or other division of property.

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Persons
under dis-
ability may
grant ease-
ments.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement or right (not being an easement or right of water in which any persons other than the parties have an interest) required for the purposes of this Act in over or affecting any lands and 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 grants and to such easements or rights as aforesaid respectively.

Commissioners
may dispose of
materials ex-
cavated in
course of
works.

12. The Commissioners may subject to the provisions of this Act deal with and dispose of the material and soil excavated or dug up in the course of the execution of any works by this Act authorised.

Provision
for accom-
modation
works.

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

Further pro-
visions as to
accommoda-
tion works.

14. Where any claim is made to have any works constructed by the Commissioners for the accommodation of lands adjoining the works of the Commissioners the arbitrator appointed under the provisions of the Railways Act (Ireland) 1851 may if he thinks fit upon the application of the Commissioners award and direct that the Commissioners instead of making and maintaining any such works shall pay a sum of money to the owners and occupiers of such lands.

Temporary
occupation of
lands during
construction
of works.

15. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall apply to the works authorised by this Act and expressions referring to the centre line of the railway shall mean in the case of the aqueducts conduits and roads and the railways authorised by this Act the centre lines thereof respectively and in the case of the reservoirs authorised by this Act the top water contours thereof as shown on the deposited plans The Commissioners shall make full compensation to the owners and occupiers of such lands for the damage done by such entry and removal of materials and the amount of such compensation in case of dispute shall be determined by two justices

sitting at petty sessions for the district within which the lands are situate subject to an appeal by either party to the county court judge for the county of Down whose decision shall be final and not subject to appeal or review.

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The powers of this section shall not apply to the conduits by this Act authorised save in the case of Conduit No. 2 in which case it shall apply within one hundred yards on either side of the centre line of such conduit.

16. Subject to the provisions of this Act the Commissioners may in the construction of the works by this Act authorised deviate from the lines or position thereof as shown on the deposited plans to any extent within the limits of deviation defined on those plans and when the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Commissioners may in making such work deviate laterally to any extent within the boundaries of such road and the Commissioners may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any dam embankment or retaining wall of any reservoir the Commissioners shall not construct such dam embankment or retaining wall of a greater height above the general surface of the ground than three feet above the height thereof shown on the deposited sections Provided nevertheless that in regard to the Conduit No. 2 the Commissioners may deviate to any extent not exceeding eight feet upwards if such deviation do not cause any part of the conduit to be raised above the surface of the ground But the Commissioners may raise any portion of such conduit above the surface of the ground within the limits aforesaid when the lands are purchased by them in fee making compensation to all persons injuriously affected by the exercise of this power.

Power to deviate laterally and vertically in the construction of the works.

Notwithstanding anything in this section the Commissioners shall not in the construction of the dam embankment or retaining wall of Reservoir No. 1 deviate beyond the limits shown on a plan signed in duplicate by the Right Honourable Albert Edmund Earl of Morley Chairman of Committees of the House of Lords one copy whereof has been deposited in the Office of the Clerk of the Parliaments.

17. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference

Power to cross certain roads on the level.

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to the crossing of roads on the level the Commissioners may in the construction of the railways by this Act authorised carry the same with a single line only whilst the railways shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

| No. on deposited Plans. | Townlands. | Parish. | Description of Road. |
|-------------------------|-------------------------|-----------|----------------------|
| 21 | Carrigenagh Upper - - - | Kilkeel - | Public road. |
| 1 | Carrigenagh - - - | Kilkeel - | Public road. |
| 29 | Brackenagh West - - - | Kilkeel - | Public road. |
| 37 | Brackenagh East - - - | Kilkeel - | Public road. |
| 39 | Ballyveagh More - - - | Kilkeel - | Public road. |
| 41 | Ballyveagh More - - - | Kilkeel - | Public road. |
| 9 | Moneydorragh Beg - - - | Kilkeel - | Public road. |
| 91 | Moneydorragh Beg - - - | Kilkeel - | Public road. |
| 6 | Moneydorragh More - - - | Kilkeel - | Public road. |
| 23 | Moneydorragh More - - - | Kilkeel - | Public road. |

Provided always that in the case of the following public roads all in the parish of Kilkeel that is to say the public road numbered 21 in the townland of Carrigenagh Upper and 1 in Carrigenagh a level space shall be obtained upon the respective roads for a length of ten yards east of the centre of the railway:

In the case of each of the public roads numbered 29 in the townland of Brackenagh West 37 in the townland of Brackenagh East 39 and 41 in the townland of Ballyveagh More and 91 in the townland of Moneydorragh Beg a runaway siding shall be provided above the respective level crossings the points of which shall be interlocked with gates at the respective level crossings:

In the case of the public road numbered 6 in the townland of Moneydorragh More means shall be taken to make the level crossing visible from the summit of the gradient of 1 in 88.

Railways to be used exclusively for purposes of water undertaking.

18. The railways shall be used exclusively by the Commissioners for the purposes of their undertaking and during the construction of the works by this Act authorised and shall be properly fenced. No train on the railways shall travel at a greater speed than ten miles an hour. Immediately after the completion of the works in the construction of which the said railways shall be used the rails and sleepers shall be taken up and the lands occupied by such railways and sidings shall revert without charge to the persons from whom the same were purchased by the Commissioners or the heirs successors or assigns of such persons as the case may be.

19. The powers of the Commissioners for the compulsory purchase of lands waters or easements for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

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Period for compulsory purchase of lands.

20. If the works by this Act authorised are not completed within twenty years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

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

Power to take lands by agreement.

Provided always that any land acquired by the Commissioners under this section shall not be built upon by the Commissioners except for the purposes of offices or buildings requisite for their undertaking or houses for their officers caretakers or labourers:

Nothing in this section shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land taken under the powers of this section.

22. The Commissioners and the Earl of Annesley or his trustees or other the owner for the time being of the lands and estate of Donard Lodge and lands adjacent thereto in the parish of Kilcoo and county of Down and any other persons having rights or interests in the said lands and estate may make agreements to provide that that part of the Conduit No. 2 before described and shown on the deposited plans and sections as tunnel may be constructed as cut and cover work or partly cut and cover work and partly tunnel on lands in the said parish beyond the limits of deviation shown on the deposited plans and such portion of such conduit if altered as aforesaid shall be deemed to be a work authorised by this Act.

Power to Lord Annesley to make agreements.

23. The Commissioners may intercept appropriate divert and use the streams and waters following or some or one of them (that is to say):—

Power to take waters.

The Kilkeel River with all the streams and waters falling into the same to be intercepted by means of the Storage Reservoir No. 1 before described also the Annalong River with all the streams and waters falling into the same to be intercepted by means of the Weir No. 7 before described If the interception and impounding by the works authorised by this Act of

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the waters of such of the said rivers and streams as now form boundaries or natural fences between the lands on either side thereof shall have the effect of so reducing the flow of water therein to such extent that such rivers and streams or any of them shall cease to be available as boundaries or fences the Commissioners shall compensate the owners and other persons interested for the loss of any such fences and boundaries.

Power to discharge water into streams.

24. The Commissioners may subject to the provisions of this Act discharge water from any aqueduct conduit or line of pipes into any of the streams and rivers following (that is to say):—

Kilkeel River Cross Water Stream Fork River Stream flowing along the boundary between the townlands of Ballyveagh Beg and Ballyveagh More Stream flowing along the boundary between the townlands of Ballyveagh More and Moneydorrugh More Annalong River Spences River Crock Horn Stream Bloody Bridge River Srupatrick Stream all in the parish of Kilkeel Srupatrick Stream Glen River Tullybranigan River all in the parish of Kilcoo Shimna or Tollymore River Burren River both in the parishes of Kilcoo and Maghera Ballybannan River in the parish of Maghera Moneycarragh River in the parish of Kilmegan tributary of Moneycarragh River in the parish of Loughinisland Stream flowing along the boundary between the townlands of Dunmore and Drumgavlin in the parish of Magherahamlet Ballynahinch River in the parish of Magheradrool Stream flowing out of Gills Lough in the parishes of Saintfield and Killaney Stream flowing along boundary between the parishes of Killaney and Saintfield in the parishes of Killaney and Saintfield Stream flowing along the boundary between the parishes of Drumbo and Saintfield in the parishes of Drumbo and Saintfield Carryduff River in the parish of Drumbo all in the county of Down :

In the exercise of the powers conferred by this section the Commissioners shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Railways Act (Ireland) 1851.

Power for temporary discharge of water into streams.

25. Subject to the provisions of the section of this Act of which the marginal note is " For the protection of Mourne Estate and owners thereof " for the purpose of executing any necessary work of repair or of cleansing or of examining any conduit aqueduct or line of pipes by this Act authorised the Commissioners may cause the water in any such conduit or aqueduct to be temporarily discharged into any available stream or watercourse In the exercise

of the powers conferred by this section the Commissioners shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers. The amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Railways Act (Ireland) 1851.

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26. The provisions of the Waterworks Clauses Acts 1847 and 1863 with respect to the laying of pipes and conduits under roads and streets shall apply in all respects to the pipes and conduits of the Commissioners within the city of Belfast.

Applying certain clauses of Waterworks Clauses Acts within the city of Belfast.

27. In executing the works by this Act authorised within the county of Down the following provisions shall have effect for the protection of the grand jury of that county:—

For protection of grand jury of county Down.

- (A.) Except as varied by this Act the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the construction of conduits and laying of pipes under streets and public roads in the county of Down;
- (B.) The provisions of the Railways Clauses Consolidation Act 1845 sections 53 to 58 shall apply as if the Commissioners were a railway company;
- (C.) The Commissioners shall serve notice in writing upon the county surveyor for the time being of their intention to construct or lay down any of the conduits or lines of pipes shown on the plans and sections deposited for the purposes of this Act under any street or public road not less than ten clear days before the date of entry upon such street or road;
- (D.) The Commissioners shall carry out all reasonable orders of the county surveyor with respect to the restoration of any street or road injured or interfered with or the convenience and safety of the public using the same;
- (E.) The Commissioners shall relay at their own expense any pipe under pressure which may require alteration in consequence of any change made in the level of any street or road under the authority of any grand jury presentment;
- (F.) The level crossings required in connection with the railways authorised by this Act shall be made and maintained to the reasonable satisfaction of the county surveyor for the time being and on the removal of such level crossings the roads shall be restored as nearly as possible to their former condition to the reasonable satisfaction of such surveyor;

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- (g.) All covers whether of iron or other material placed by the Commissioners on the surface of any road or footpath shall be so placed and shall be of such design and construction as may be approved by the county surveyor ;
- (h.) The Commissioners shall pay to the county surveyor his reasonable charges in relation to the superintendence of the works by this Act authorised including the costs of any persons properly employed by him for that purpose and the amount thereof shall failing agreement be determined by the county court judge of the county of Down whose decision shall be final and may be enforced in the same manner as a civil bill decree or other order or judgment of the court.

For the protection of the Great Northern Railway Company (Ireland).

28. For the protection of the Great Northern Railway Company (Ireland) (herein-after called "the company") the following provisions shall have effect :—

- (1.) The conduit or line of pipes No. 14 by this Act authorised which will cross the Great Northern Railway either over or under the said railway shall be of such design and materials as shall be approved by the engineer for the time being of the company and shall be constructed and completed according to working plans sections and specifications to be submitted to and approved by the said engineer previously to the commencement of the works affecting the property of the company ;
- (2.) Every such conduit or line of pipes shall be constructed and for ever maintained by and at the expense of the Commissioners but under the superintendence and to the reasonable satisfaction in all respects of the said engineer and all operations connected therewith shall be conducted in such manner as not to injure or endanger the stability of the Great Northern Railway or to cause any interruption impediment or inconvenience to the traffic thereon ;
- (3.) The Commissioners instead of constructing the conduit or line of pipes No. 14 under the said railway as shown on the deposited plans and sections may with the consent of the company carry the said conduit or line of pipes over the railway and all the foregoing provisions and all the provisions of this Act and the incorporated Acts shall apply to such substituted work ;
- (4.) If and whenever in the execution or maintenance of any such conduit or line of pipes or any works of the Commissioners in connection therewith any injury be caused to the works of the company the Commissioners shall pay all damages arising from or consequent on such injury ;

(5.) In the event of any difference arising between the Commissioners and the company or their respective engineers in respect of any of the matters or things provided for by this section the same shall be submitted and referred to an arbitrator who shall be appointed by the Commissioners of Public Works in Ireland on the application of either party and the award of such arbitrator shall be final and not subject to appeal or review.

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29. For the protection of the corporation and the streets bridges sewers gas mains pipes and other works belonging to them or under their management and control the following provisions shall have effect and be binding on the Commissioners:—

For protection of Corporation of Belfast.

(1.) In laying down any mains or pipes in or under the surface of the Ormeau Road between Donegall Pass and Ormeau Avenue the Commissioners shall unless the corporation otherwise consent lay the same in such positions and at such levels as will not involve any displacement injury or obstruction of or to the gas mains of the corporation and they shall carry out all such operations under the superintendence and to the reasonable satisfaction of the engineer of the gasworks The Commissioners shall before commencing any such works submit plans and sections thereof to the corporation and shall make any such alterations or deviations from the line and level of such mains or pipes as the said engineer may reasonably require in order to avoid obstruction or difficulty in laying gas mains or pipes in the said Ormeau Road:

(2.) Before commencing the work by this Act authorised and described as Conduit No. 13 the Commissioners shall cause to be prepared detailed drawings and specifications showing the manner in which they propose that the said Work No. 13 shall be carried out and such drawings and specifications shall describe not only the said conduit and works connected therewith but the alterations (if any) proposed to be made to the Ormeau Bridge and also all works proposed to be made in the approaches to the said bridge on both sides thereof within a distance of four and a half and five chains respectively from the points of commencement and termination of the said Conduit No. 13 herein-before described and the Commissioners shall submit such detailed drawings and specifications to the city surveyor and shall not commence any of such works until such detailed drawings and specifications as aforesaid have been approved in writing by the city surveyor unless the city surveyor do not within twenty-eight days after the same shall have been submitted to him signify his approval disapproval or other directions and the city surveyor may make such additions to

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alterations in and modifications of such detailed drawings and specifications as he may reasonably think fit :

- (3.) The works shall be carried out in accordance with the said detailed drawings and specifications approved as aforesaid under the direction superintendence and control of the city surveyor at the costs charges and expenses in all respects of the Commissioners and all costs charges and expenses which the corporation may be put to by reason of such works in the execution superintendence or otherwise shall be paid to the Corporation by the Commissioners on demand :
- (4.) If the corporation by notice in writing addressed to the Commissioners elect to carry out by their own officers in accordance with the drawings and specifications so approved the works or any part thereof affecting Ormeau Bridge and the approaches authorised by this Act then the said works may be carried out by the corporation according to the reasonable satisfaction in all respects of the Commissioners and all costs and expenses incurred by the corporation in the carrying out of the said works and incidental thereto shall be borne and paid by the Commissioners :
- (5.) Except with the consent of the corporation there shall be no alteration of or interference with the piers archstones or cutwaters of Ormeau Bridge but the conduit across the bridge shall be formed with two lines of pipes and shall be placed under the western footway thereof and shall be embedded in concrete and the existing gas mains of the corporation shall be diverted to the satisfaction of the engineer of the gasworks for the time being :
- (6.) If in the construction of the said works any alteration in the levels of the bridge or its approaches become necessary the alteration shall be so made that the parapets fences boundary walls and pavements of the bridge and approaches shall be raised to a sufficient extent to suit the altered levels of the bridge and its approaches and the tramway and its pavement shall be raised to the same level as the altered portion of the road :
- (7.) If by reason or in consequence of any damage or breakage of any main pipe or other work over or affecting Ormeau Bridge or the approaches thereof any damage be caused to the said bridge or approaches or the paving or roadway thereof the same may be repaired and made good by the corporation and the costs and expenses thereof shall be repaid on demand by the Commissioners to the corporation But this subsection shall

not apply to damage caused by any work carried out by the corporation under the provisions of this section : A.D. 1893.

- (8.) It shall not be lawful for the Commissioners in carrying out any of the works by this Act authorised to cause any obstruction to the waterway or flow of any sewer drain or watercourse under the jurisdiction or control of the corporation :
- (9.) If any difference arise between the engineer of the Commissioners and the city surveyor with reference to the execution and carrying out of the alterations of the bridge or any of the matters referred to in this section, or if any difference arise between the engineer of the Commissioners and the engineer of the gasworks with reference to the laying down of any mains or pipes in Ormeau Road between Donegall Pass and Ormeau Avenue or with reference to the mains on Ormeau Bridge or its approaches the matters so in difference shall be decided by an arbitrator to be appointed by the Commissioners of Public Works in Ireland :
- (10.) Nothing in this Act shall exempt the Commissioners or any buildings erected or to be erected on any lands within the city from any enactments or byelaws of the corporation relative to buildings.

30. For the protection of the Mourne Estate in the county of Down (herein-after in this section referred to as "the estate") of which Francis Charles Earl of Kilmorey is or claims to be tenant for life and for the protection of the owner or owners for the time being of such estate (the said earl owner or owners being in this section herein-after referred to as "the owner") the following provisions shall have effect :—

For protection of Mourne Estate and owners thereof.

- (1.) The Commissioners shall be deemed to require to purchase and take for the purposes of their undertaking and shall purchase and take—

Purchase of lands easements &c.

(A.) The whole of the estate and interest of the owner in the lands (including all mines and minerals and rights of quarrying therein thereon or thereunder) of the owner shown on the plans signed in duplicate by the Right Honourable Albert Edmund Earl of Morley Chairman of Committees of the House of Lords one copy whereof has been deposited in the Office of the Clerk of the Parliaments and another copy with the owner and thereon described as forming the catchment area of the Annalong and Kilkeel Rivers at the points of interception of the said rivers by the Commissioners' proposed works and thereon coloured pink and so much of the lands of the owner other than the

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catchment area shown on the said plans and thereon also coloured pink as may be necessary for the Commissioners to purchase for the purposes of their undertaking including the Railways Nos. 4 and 5 by this Act authorised;

(B.) An easement necessary for the Conduit No. 2 by this Act authorised (herein-after in this section referred to as "the conduit") in accordance with the section of this Act the marginal note of which is "Power to acquire easements" together with such rights and powers as may be necessary for the construction and maintenance of the conduit;

(C.) All fishing rights of the owner in the Kilkeel and Annalong Rivers and their tributaries of which rights he will be deprived by the purchase and taking of the lands aforesaid and by the interception diversion and user of the waters next herein-after mentioned and otherwise by the exercise of the powers of this Act; and

(D.) All interests of the owner in the waters which the Commissioners are authorised by this Act to intercept divert or use:

(2.)—(A.) In carrying into execution their undertaking by this Act authorised the Commissioners shall proceed in all respects in the manner prescribed by the Railways Act (Ireland) 1851 and the arbitrator to be appointed by the Commissioners of Public Works in Ireland under that Act to determine matters of disputed compensation shall proceed in all respects in the manner prescribed by such Act except that he shall not deal with or make any award with respect to the compensation to be paid to the owner by the Commissioners save that he shall determine by his award the proper abatement of the rents payable by any lessee or tenant of the owner when such lessee or tenant is entitled to compensation by reason of the purchase of his interest in any lands easements or waters taken or intercepted by the Commissioners or whose lands may be injuriously affected by the construction of any of the works by this Act authorised;

(B.) Within one month after the award of the arbitrator to be appointed under the provisions of the Railways Act (Ireland) 1851 or so much thereof as relates to the lands easements and waters of the owner has been made and published the Commissioners under their seal and the owner under his hand shall respectively appoint an arbitrator and the two arbitrators so appointed shall under their hands within one month after the appointment of the last appointed of such arbitrators appoint under their respective hands an umpire and failing their so

doing within the time stated an umpire shall on the written application of the Commissioners or the owner be appointed by the President for the time being of the Institution of Civil Engineers. If any arbitrator or umpire appointed as aforesaid shall die or become incapable to act the party or parties by whom such arbitrator or umpire was appointed shall forthwith after such death or incapacity appoint an arbitrator or umpire in his place and so on as often as such event shall happen ;

- (c.) The value of the estate and interests of the owner in the lands easement fishing rights and waters to be purchased and taken by the Commissioners as aforesaid and the compensation to be paid by the Commissioners to the owner in respect of such purchase and taking and of any injurious affection of the estate or interest of the owner in any land fishing right or water not so purchased or taken but injuriously affected by the execution of the undertaking shall be determined and expressed in the award to be made by such arbitrators or in case they differ by the umpire and such award shall be made and published within three months after the appointment of the umpire and the award shall be final and not subject to appeal or review ;
- (d.) In framing the said award the arbitrators or umpire shall have regard to the abatement of rents of tenants and lessees made by the award of the arbitrator acting under the Railways Act (Ireland) 1851 and to the cost of any fencing which would become necessary if the interception diversion or user by the Commissioners of the waters of the Kilkeel and Annalong Rivers or of either of them rendered any part of those rivers or of either of them inefficient as a water fence ;
- (e.) The amount of the value and compensation awarded by the arbitrators or umpire appointed pursuant to this sub-section shall be paid to the owner by the Commissioners within two months after the making and publication of the award provided that should the owner be unable to make a title in any of the cases mentioned in section 18 of the Railways Act (Ireland) 1851 to the lands easement and waters to be taken and intercepted by the Commissioners the amount awarded as aforesaid shall be paid into court in manner provided by the Railways Act (Ireland) 1851 and the Acts amending the same and shall be paid out or otherwise disposed of as may be ordered by the High Court in pursuance of the last-mentioned Acts ;

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(F.) Every arbitrator appointed by the owner and every umpire appointed for the purposes of this sub-section shall be a member of the Institution of Civil Engineers ;

(G.) The Commissioners shall not except for any purpose mentioned in the proviso to section 84 of the Lands Clauses Consolidation Act 1845 enter upon any lands of the owner until they shall have paid the amount of the value and compensation awarded by the arbitrators or umpire appointed pursuant to this sub-section :

Fencing off
of lands
purchased.

(3.) The Commissioners shall within two years after their first entering (except for any purpose mentioned in section 84 of the Lands Clauses Consolidation Act 1845) upon any land of the owner make and at all times thereafter maintain proper and suitable fences thereon :

Conduit and
other works
on lands not
purchased.

(4.)—(A.) If the Commissioners in exercise of the powers conferred on them by the section of this Act whereof the marginal note is "Power to discharge water into streams" shall at any time discharge water into any stream or river flowing on any part of the estate not purchased by them they shall do as little damage as may be and in the event of the quantity of water so discharged exceeding the quantity of water which would have flowed down such river or stream before the construction of the works by this Act authorised the Commissioners shall make full compensation to the owner for all damage sustained by him by reason or in consequence of the exercise of such power and the amount of compensation shall be settled in case of difference by two justices sitting at petty sessions for the district in which the cause of complaint shall arise subject to appeal to the county court judge of the county of Down whose decision shall be final and not subject to appeal or review ;

(B.) In the construction and maintenance of the conduit and other works by this Act authorised in any part of the estate not purchased by the Commissioners the Commissioners shall first carefully remove from the surface all vegetable soil on the line or site of the conduit and such works and on the completion of the conduit and such works or of any repair or other maintenance they shall so spread such soil over the surface of the ground as to restore the surface as nearly as may be to its former state and to the approval of the owner All surplus material arising from the construction or maintenance of the conduit and such other works shall if so required by the owner be disposed of in accordance with a scheme to be prepared by the Commissioners and submitted to the arbitrators and umpire

appointed pursuant to subsection (2) of this section at the hearing of the reference to them or him ;

- (c.) The Commissioners shall construct maintain and keep the conduit and all works in connection therewith upon any part of the estate not purchased by the Commissioners so far as practicable watertight in all respects ;
- (d.) Any telegraph telephone or other wire laid by the Commissioners through any part of the estate (other than a public road) not purchased by them shall be placed underground and by the side of the conduit ;
- (e.) No timber on any part of the estate not purchased by the Commissioners shall be cut or interfered with except where absolutely necessary for the purpose of the conduit or other works and all timber so cut down shall be felled in a workmanlike manner and shall belong to the owner ;
- (f.) The Commissioners shall from time to time make good all and every damage done or which may occur to any part of the estate not purchased by the Commissioners or to the owner during the construction or maintenance of the conduit or other works thereon by reason or in consequence of the leaking of the conduit or of any of such other works ;
- (g.) The Commissioners shall to the reasonable satisfaction of the owner reinstate and make good and maintain from subsidence all drains and fences and shall also reconstruct to the reasonable satisfaction of the owner all roads and footpaths other than public roads upon any part of the estate not purchased by the Commissioners which may be crossed injured or interfered with under the powers of this Act and shall during the construction of the works make to the reasonable satisfaction of the owner such roads and communications across or over the conduit and any other works upon any part of the estate not purchased by the Commissioners as may be reasonably required by the owner ; and
- (h.) It shall be lawful for the owner to form lay out and make along or under the conduit any roads drains or pipes but any such roads drains or pipes shall be so formed laid out or made as not to interfere with or injure the conduit or pollute the water therein and shall be subject to the reasonable approval of the engineer of the Commissioners :
- (5.)—(a.) Within three months after the Commissioners shall be first able to supply in one day of twenty-four hours not less than fifty thousand gallons of water through the conduit to a point thereon one mile three chains from the commencement thereof as shown on the deposited plans or to a point on the conduit

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two miles four chains from the commencement thereof as shown on such plans they shall at such one of those points as shall be fixed upon by the owner make provision for supplying from the conduit into any mains or pipes of the rural sanitary authority of Kilkeel suitable for receiving the same water as herein-after mentioned for the use of the inhabitants of the town of Kilkeel and the neighbourhood thereof ;

- (B.) From and for ever after making such provision and after such rural sanitary authority shall have made provision for storing fifty thousand gallons of water the Commissioners shall in every day of twenty-four hours supply from the conduit by as nearly as possible a regular and continuous discharge throughout each day into any such mains or pipes of such rural sanitary authority such quantity of water as the owner and such rural sanitary authority or either of them shall from time to time demand but not exceeding fifty thousand gallons free of charge ;
- (c.) The Commissioners at the point at which such supply is to be given shall before commencing such supply construct and for ever thereafter maintain in good working order and condition a suitable measuring gauge over or through which the water to be so supplied shall flow ;
- (D.) The said gauge shall at all times be open to the inspection and examination of the owner and the said rural sanitary authority and any person by them or either of them authorised to inspect or examine the same ;
- (E.) If at any time such gauge shall be out of repair or in an unfit condition for the purpose for which it is intended the Commissioners shall forthwith put the same in fit repair and condition and if they fail to do so within seven days after notice in writing given to them in that behalf by or on behalf of the owner or the said rural sanitary authority the owner or such rural sanitary authority may cause the said gauge to be put in fit repair and condition and may recover the reasonable cost of so doing from the Commissioners with full costs of the proceedings in any court of competent jurisdiction ; and
- (F.) If the Commissioners shall wilfully or after written notice negligently fail to supply water as by this sub-section required they shall for and during every day on which such failure shall occur forfeit and pay the sum of two pounds to the said rural sanitary authority every such sum to be recoverable summarily with full costs of the proceedings ;
- (G.) The provisions of this section shall not take effect if within the period by this Act limited for the exercise of the powers of the Commissioners for the compulsory purchase of lands waters or

easements the Commissioners have not proceeded to acquire any part of the estate of the owner other than a purchase or taking of waters only. A.D. 1893.

31. For the protection of the Right Honourable the Earl of Annesley and his trustees or other the owner for the time being of the Donard Lodge Estate (in this section herein-after called "the owners") and of the lessees and tenants of the owners the following provisions shall apply and have effect:—

For the protection of the owners of the Donard Lodge Estate.

- (1.) In constructing the Conduit No. 2 by this Act authorised the Commissioners shall not purchase any land in fee from the owners within the demesne of Donard Lodge but only such rights and easements as may be necessary for the construction and maintenance of such conduit and works connected therewith. The Commissioners shall not form or deposit any permanent spoil heap in connection with their works within the demesne of Donard Lodge. The owners shall provide not exceeding six statute acres of land outside the demesne of Donard Lodge at a point to be mutually agreed upon and not at a greater distance than one and a half furlongs from the centre line of the said conduit as shown on the deposited plans and between points marked thereon respectively ten miles one furlong and ten miles two furlongs for the purpose of depositing spoil and any such deposits shall be levelled and trimmed off by the Commissioners:
- (2.) All the works to be constructed on the estate of the owners under the authority of this Act shall after their commencement be proceeded with without cessation and shall be completed within five years from their commencement and in case of any default the Commissioners shall make compensation to the owners lessees and occupiers respectively for the loss or damage sustained by them by reason of such default:
- (3.) The Commissioners shall before commencing any works in under or over any part of the said estate lay down (and maintain until the completion of such works) a line of six-inch cast-iron pipes from a point in the bottom of the Glen River to be mutually agreed on at least one hundred feet measured in a south-westerly direction from any of their works or spoil heaps to a covered concrete tank of a capacity of at least ten thousand gallons which shall be constructed by them and at their expense at a point to be mutually agreed on and from thence a line of six-inch cast-iron pipes to the commencement of the existing pipes now used for conveying water from the Glen River to the south side of the town of Newcastle with a six-inch branch

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pipe from the aforesaid tank to a reservoir to be hereafter constructed by the owners on the north side of the river. The whole of such works shall be carried out to the reasonable satisfaction in all respects of the owners. The pipes and tank in this section mentioned shall on the completion of the works become and be the property of the owners :

- (4.) The Commissioners shall not discharge or permit to be discharged at any time any water into the Glen River above the up-stream end of the line of pipes so to be laid down nor shall they during the construction of the said conduit or of any works in connection therewith do any act or thing which may tend to the discolouration or pollution or reduction in the flow of the water in such river above the up-stream end of the pipe so to be laid down and in the event of any such discolouration pollution or reduction in flow being caused as aforesaid the Commissioners shall pay to the owners full compensation to be recovered by the owners in any court of competent jurisdiction :
- (5.) The Commissioners shall not cut any timber or underwood on such estate except such as may be necessary in constructing the said conduit and then only within twenty feet on either side of the line of conduit. Any timber so cut shall be paid for by the Commissioners and the price to be paid for such timber shall include a sum by way of compensation for any damage to the value of the property or to any special part thereof for residential or building purposes :
- (6.) The Commissioners shall not (except for the purpose of construction of the works by this Act authorised) quarry remove or use any granite found on the said estate :
- (7.) Unless otherwise agreed between the Commissioners and the owners any telegraph or telephone wires laid by the Commissioners through the said estate save on county roads shall be placed underground and so as to lie upon or by the side of the said conduit :
- (8.) During the time which any works authorised by this Act are being constructed or repaired either on the said estate or within four hundred yards from any part thereof the Commissioners shall pay to the owners a sum for the purpose of employing watchers for the protection of the game to be calculated at the rate of sixty pounds per annum :
- (9.) All persons employed by or engaged in the service of the Commissioners shall before entering upon the said estate obtain the authority of the Commissioners or their secretary or engineer and shall on demand by the owner or any person duly authorised by him produce such authority and allow it to

be inspected and any such person who may be in or upon the said estate without such authority or who shall on demand make default in producing the same or allowing the same to be inspected shall be liable to be dealt with as a trespasser and as if he had not such authority :

- (10.) The Commissioners shall construct maintain and keep the Conduit No. 2 in or near to the said estate watertight so far as practicable and shall from time to time make compensation to the owners and their lessees and occupiers for any damage and loss from time to time occasioned to or sustained by them or any of them respectively by reason of or in consequence of the bursting leaking overflow or failure in any respect of any works constructed or maintained by the Commissioners under the authority of this Act :
- (11.) The Commissioners shall pay full compensation to the owners for all damage caused them by reason of the exercise of the powers of this Act and the amount of such compensation shall failing agreement be determined in the manner provided by the Railways Act (Ireland) 1851 and the Acts amending the same save that the arbitrator to be appointed by the Commissioners of Public Works in Ireland under those Acts shall not deal with or make any award with respect to the rights and easements to be acquired by the Commissioners from the owners but the amount of compensation in respect of the same shall be determined by two arbitrators one appointed by the Commissioners and the other by the owners and in case of their disagreement by an umpire appointed before the reference is proceeded with by the President for the time being of the Institution of Surveyors and the award of such arbitrators or umpire shall be final and not subject to appeal or review The costs of such reference shall be borne by the Commissioners :
- (12.) In the construction and maintenance of the said conduit in the said estate the Commissioners shall first carefully remove from the surface all vegetable soil on the line or site of the proposed conduit and on the completion of the works or any repair or other maintenance they shall so spread such soil over the surface of the ground as to restore the surface as nearly as may be to its former state All surplus material arising from the construction or maintenance of the conduit shall be disposed of so as not to be unsightly and within a reasonable distance from the place whence the same was excavated :
- (13.) The Commissioners in constructing the said conduit where in cut and cover shall make provision by culverts or otherwise

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to the reasonable satisfaction of the owners or their tenants for carrying the drainage of the said estate across the same and shall in like manner reinstate all drains fences roads and foot-paths which may be crossed injured or interfered with under the powers of this Act and if required by the owners the Commissioners shall during construction fence off the works and make and maintain or preserve communications roads and ways across or over the conduit at all reasonable places :

- (14.) The Commissioners shall not except for reasonable inspection enter on the said estate oftener than twice in any year without the consent of the owners :
- (15.) The owners shall be at liberty upon giving notice to the Commissioners to lay over under or along the conduit any drain or water pipes and to form roads over the conduit so long as they do not injure or interfere with same :
- (16.) The Commissioners shall not at any time erect any dwelling-houses for workmen or for their own use upon the said estate.

For protec-
tion of
Marquess of
Downshire.

32.—(1.) The Commissioners shall construct Conduit No. 2 where the same passes through or under the lands of the Marquess of Downshire in such manner as shall not contract or diminish the waterway of any river or stream intersected by the conduit.

(2.) If and when either by the extension of the city boundary or otherwise the Marquess of Downshire's land in the townlands of Ballymuconaghy Creagh Lisnashanagh Braniel and Carnamuck on the south-east side of Belfast is brought within the Commissioners' district of supply such land shall form part of the suburban district of the Commissioners and be supplied on the same terms and conditions as the remainder of the district so far as it is capable of being supplied by gravitation from the conduits or pipes of the Commissioners.

For the pro-
tection of
the Belfast
Street
Tramways
Company.

33. The following provisions for the protection of the Belfast Street Tramways Company (herein-after called "the Tramway Company") shall have full force and effect:—

In laying down so much of the conduit or line of pipes No. 12 as is situate in the townland of Galwally parish of Knockbreda and county of Down and the conduit or line of pipes No. 13 or either of them by this Act authorised or raising the level of the roadway over Ormeau Bridge in so far as the tramways of the Tramway Company are affected thereby the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Tramway Company and in all things by and at the expense of the Commissioners who also

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shall restore and make good the roads or so much thereof which the Tramway Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Commissioners and all such works matters and things shall be constructed executed and done so as not to cause any injury to such tramways or interruption to the passage or conduct of traffic or as little injury or interruption as may be and if any such injury or interruption shall arise from or be in any way owing to any of the acts matters operations and things aforesaid the Commissioners shall make compensation in respect thereof to the Tramway Company :

Provided that in relaying the tramways no lateral deviation or alteration in the existing position of the tramways on any road or street shall be made by the Commissioners :

If any difference arises between the Commissioners and the Tramway Company with reference to the matters in this section referred to the matters so in difference shall be decided by an arbitrator to be appointed by the Commissioners of Public Works in Ireland.

PART III.

POWER TO BORROW.

34. For the purposes of this Act and the general purposes of their undertaking the Commissioners may from time to time borrow on mortgage of the rates to be assessed and levied under the authority of the Belfast Water Acts 1840 to 1893 and the other revenues of their undertaking the balance of any sum or sums which they are authorised to borrow under the Belfast Water Acts 1840 to 1889 and also such further sum or sums of money not exceeding the sum of eight hundred and seventy-five thousand pounds as shall from time to time in their judgment be requisite and they may grant mortgages for securing the moneys so borrowed charged on the said rates and revenues Provided always that the amount borrowed previous to the passing of this Act and remaining due at that date under the authority of the Belfast Water Acts 1840 to 1889 and the interest thereof shall be charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1893 in the same manner and to the same extent as such amount was charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1889.

Power to
borrow
further
moneys

35. The mortgagees of the Commissioners' undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of

Appoint-
ment of
receiver.

A.D. 1893. — arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power to borrow on cash credit.

36. It shall be lawful for the Commissioners to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Ireland to the extent of the sum which the Commissioners are authorised to borrow as aforesaid or any part thereof and if required to make and grant mortgages and assignments of the several rates to be levied by them under the provisions of the Belfast Water Acts 1840 to 1893 or any of them or issue stock 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. Provided that the whole sum due and owing by the Commissioners on such cash account and for money borrowed by them on bonds or on mortgages or assignments or by the issue of stock shall not when taken together exceed the sums authorised to be borrowed by the Belfast Water Acts 1840 to 1889 and this Act.

Application of clauses of Commissioners Clauses Act 1847 with respect to mortgages.

37. For the purpose of borrowing on mortgage all the clauses of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners except sections 84 85 86 87 and 88 are incorporated with and form part of this Part of this Act and shall be applicable to the borrowing of any sum or sums of money by this Act authorised to be borrowed by the Commissioners.

Existing mortgages to have priority.

38. All mortgages granted by the Commissioners in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by the Commissioners by virtue of this Act.

Power to reborrow.

39. If the Commissioners shall otherwise than by or out of the sinking fund or the proceeds of the sale of superfluous lands pay off any part of the moneys which they are authorised to borrow or continue at interest they may again borrow in the manner aforesaid the part thereof so paid off at the like or any other rate of interest and so on from time to time but all moneys reborrowed shall subject to the provisions of this Act be paid off within the period prescribed for the original loan and for the purposes of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan.

40. All moneys raised or to be raised by the Commissioners on mortgage under the provisions of the Belfast Water Acts 1840 to 1893 shall have priority against the Commissioners and the property from time to time of the Commissioners over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that such priority shall not affect any claim against the Commissioners or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Commissioners in pursuance of any Act relating to the Commissioners which is entitled to rank in priority to or *pari passu* with the interest on their mortgages nor shall anything in this section contained affect any claim for land taken or used or occupied by the Commissioners for the purposes of the Commissioners' undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Commissioners.

A.D. 1893.

Mortgages
to have
priority over
all other
claims
against
Commis-
sioners.

41. The Commissioners shall not be bound to see to the execution of any trust whether express implied or constructive to which any mortgage or the money principal or interest thereby secured may be subject and the receipt of the person in whose name any mortgage stands in the register of mortgages shall from time to time be a sufficient discharge to the Commissioners for any money payable in respect of such mortgage notwithstanding any trust to which the same may then be subject and whether or not the Commissioners have had notice of such trust and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Commis-
sioners not
bound to
regard trusts.

42. All mortgages and all moneys advanced and lent under the authority of this Act shall be personal estate and transmissible as such and shall not be of the nature of real estate.

Mortgages
to be per-
sonal estate.

43. If any mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Commissioners official evidence of such bankruptcy and of the vesting of the bankrupt's estate in the official assignee or other person to whom such estate shall be transferred.

Trans-
mission of
mortgages
in case of
bankruptcy.

44. The Commissioners may agree with any person entitled to the sum secured by any mortgage issued or hereafter to be issued under the Belfast Water Acts 1840 to 1889 and this Act to discharge or repay the same at an earlier date than the date mentioned in such mortgage for repayment.

Repayments
of mortgages.

A.D. 1893.

Power to
issue stock.

45. The powers contained in the Act of 1889 with reference to the issue of stock shall apply to the moneys to be raised under this Act should the Commissioners decide to raise the moneys by the issue of stock instead of on mortgage.

Sinking
fund.

46. The Commissioners shall by equal yearly instalments of principal or principal and interest pay off the moneys borrowed under this Act within a period of sixty years from the respective dates of borrowing the same by means of a sinking fund appropriated for that purpose and the accumulations thereof calculated at the rate of three and a half per centum per annum which sinking fund shall be such as the Local Government Board for Ireland having regard to the provisions of this section approve Provided always that there shall be no obligation upon the Commissioners to set apart any sums as a sinking fund before the first day of November one thousand eight hundred and ninety-eight.

The sinking fund above referred to may be invested or applied in the manner prescribed by the Act of 1889 or may be invested in statutory securities other than securities of the Commissioners.

Return to
Local
Government
Board for
Ireland
with respect
to sinking
fund.

47. The secretary of the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under the Belfast Water Acts 1840 to 1893 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 applied to the redemption of mortgages or 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 the securities upon which the same has been invested and also showing the purposes to which any portions of the moneys invested for the sinking fund and the interest thereof 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 the secretary shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appears to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those

authorised by this Act the Local Government Board may by order direct that a sum not exceeding the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board. A.D. 1893.

48. Section fifty-eight of the Act of 1884 is hereby repealed. The Commissioners may in any year in which the income of the Commissioners' undertaking exceeds their expenditure invest the whole or any part of such surplus income in any statutory securities other than securities of the Commissioners and the interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest provided that the reserve fund so formed shall not at any time exceed fifty thousand pounds and such fund may be applied from time to time in the discretion of the Commissioners in aid of the water rate to be levied by them in any year or to pay and discharge any debt or to meet any unexpected claim or demand against the Commissioners or in the execution of any extraordinary repairs and if such fund shall at any time be reduced it may thereafter be again restored to the same sum and so from time to time as often as such reduction shall occur. Reserve fund.

49. The Commissioners may from time to time expend out of the moneys to be borrowed by them under the authority of this Act such sums not exceeding fifty thousand pounds (in addition to any sums already authorised to be expended for the like purposes under their existing Acts) as may be required in laying down new mains pipes and fittings or in making such contribution as can be properly charged to capital towards replacing existing mains pipes and fittings which have become of insufficient capacity for the supply of water within the city and suburban districts including all mains pipes and fittings required for communication with existing mains pipes and reservoirs. Provided always that subject as aforesaid no portion of such sum shall be expended in the maintenance or repair of the existing mains pipes or fittings of the Commissioners. Power to pay for mains pipes fittings &c. out of borrowed money.

50. Notwithstanding the provisions of section 35 of the Act of 1889 the Commissioners shall from and after the passing of this Act but subject to the approval of the Local Government Board for Ireland first had and obtained keep one account for the repayment of all loans to be called the sinking fund account provided that the amount to be set aside annually by the Commissioners for repayment of loans shall be the same as if this enactment had not been made. Provision as to sinking fund account.

51. All moneys borrowed under the powers of this Act shall be applied only to purposes to which capital is properly applicable. Application of moneys.

A.D. 1893.

PART IV.

MISCELLANEOUS.

Extending provisions of section 72 of Act of 1884.

52. From and after the passing of this Act the several provisions of section seventy-two of the Act of 1884 shall extend and be applicable to all existing conduits of the Commissioners and to those to be constructed under the authority of this Act.

Further provisions for preventing contamination of water.

53. For the purpose of the more effectual prevention of the pollution or contamination of the water supply of the Commissioners the following provisions shall have effect:—

(A.) Where a nuisance as defined by the Public Health (Ireland) Act 1878 exists on any farmstead land or premises situate within the drainage areas of any of their reservoirs and works and which does or may result in the fouling or contamination of the water flowing from or past the same into the reservoirs and works of the Commissioners they may give notice in writing to the occupier or the owner in the absence of an occupier of such farmstead land or premises informing him of their intention to abate such nuisance and if necessary to alter amend and reconstruct the drains sewers ditches watercourses middens and other portions of such farmstead land or premises so as to prevent the contamination of the water flowing from or past the same into the reservoirs and works of the Commissioners and such notice shall specify the alterations amendments reconstructions and other matters and things which the Commissioners intend to do and execute and after the expiration of one month from the delivery of such notice as aforesaid the Commissioners may enter upon the farmstead land or premises referred to in such notice and do and execute the matters and things required to abate the nuisances complained of using all reasonable expedition and doing as little damage as possible to such farmstead land or premises;

(B.) The costs and expenses of such alterations amendments reconstruction matters and things shall be borne and paid by the Commissioners who shall also pay to the occupier of such farmstead land or premises reasonable compensation for any loss he may sustain by reason of such alterations amendments reconstruction matters and things the amount of such compensation to be decided in the event of dispute by the county court judge of the county in which the lands are situate whose decision shall be final and not subject to appeal or review;

(C.) The Commissioners their officers or servants may at all reasonable times after twenty-four hours' notice to the occupier

enter upon and examine any farmstead land and premises within the drainage areas for the purposes of this section and shall not be deemed trespassers ;

- (d.) Any person who shall wilfully obstruct the Commissioners their officers contractors servants or workmen in the execution of the powers conferred by this section shall forfeit and pay for every such offence any sum not exceeding five pounds to be recovered before a court of summary jurisdiction :

Provided always that the powers and provisions of this section shall be in addition to and not in substitution for or derogation of any existing powers and provisions for guarding against fouling the waters of the Commissioners and provided also that they shall not apply within the city Provided also that the powers and provisions of this section shall not be exercised so as to interfere with the ordinary tillage and cultivation of the lands.

54. The Commissioners may from time to time provide water under pressure for the purpose of supplying motive power by hydraulic pressure for any purposes to which such power is or may be applicable They may use any of their existing buildings works machinery mains pipes and other apparatus for that purpose or erect lay down and maintain any other buildings works machinery mains pipes and other apparatus which may be necessary on their own lands or on lands to be acquired by them by agreement with any person They may acquire and work any patents relating to the supply of water under pressure for the purpose of supplying motive power by hydraulic pressure but not so as to acquire any exclusive rights in such patents and they may supply any person or company with water under pressure for the purposes aforesaid at such rates and charges and upon such terms and conditions as may from time to time be fixed by them and the rights powers and privileges of the Commissioners under the Belfast Water Acts 1840 to 1893 with reference to opening streets and laying down pipes within their district of supply shall apply mutatis mutandis to the acts of the Commissioners their servants agents workmen and licensees and to the pipes to be laid under this section :

Power to supply water for hydraulic purposes.

Provided that if at any time any damage be caused or result to any street bridge sewer main pipe or other work of or under the management of the corporation from water under such pressure as authorised by this section such damage may be forthwith repaired and made good by the corporation and all the cost and expense thereof may be recovered by the corporation from the Commissioners in a summary way.

A.D. 1893.

Form of
notice by
Commis-
sioners.

55. Any notice or any document being a resolution declaration requisition consent demand or other instrument to be made given delivered or served under this or any other Act or any byelaw by the secretary or other officer of the Commissioners may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall (subject to the provisions of any Act requiring such notice or document to be under the corporate seal) be sufficiently authenticated by a name purporting to be the name of the secretary or other proper officer or servant of the Commissioners according to the subject of the particular notice or document being affixed thereto in print lithograph writing or by means of a stamp.

Evidence in
legal pro-
ceedings.

56. Where in any legal proceedings taken by or on behalf of the Commissioners whether under any general or local Act of Parliament and whether passed before or after the passing of this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Commissioners or of any committee of the Commissioners or to prove any resolution of the Commissioners or of any committee of the Commissioners a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the secretary of the Commissioners shall be *primâ facie* evidence of such appointment authority or resolution and of the performance of all conditions precedent or necessary to the validity thereof without further proof of the holding of any meeting or the production of any minute book or other record or document.

Power to
establish
communica-
tion with
works by
means of
electricity.

57. The Commissioners may from time to time establish and maintain such wires and apparatus for the transmission of messages and other communications wholly or partially by means of electricity or by telephone (which wires and apparatus are in this section called "any such apparatus as aforesaid") as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any such apparatus as aforesaid for the purposes of the Telegraph Act 1863 the Commissioners shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act but nothing in this Act shall authorise the Commissioners to work any such apparatus as aforesaid in consideration of any money payment or other valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or to construct any such apparatus as

aforesaid which shall interfere in any way with any telegraph in the possession or under the control of the Postmaster-General Provided that the Commissioners shall not place or maintain any such wires or apparatus over or under any street within the city otherwise than under the superintendence and to the reasonable satisfaction of the Corporation.

A.D. 1893.

58. It shall not be lawful for any person receiving a supply of water (otherwise than by meter) from the Commissioners without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Commissioners or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements of roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding forty shillings to be recoverable in a summary manner at the instance of the Commissioners.

Tube or hose not to be affixed to pipes without consent of Commissioners.

59. Any meters required for the supply of water let on hire by the Commissioners shall not be subject to distress or to be taken in execution under any process of a court of law or equity or any fiat in sequestration, in bankruptcy against the person in whose possession the same may be nor shall the three hundred and thirteenth section of the Irish Bankrupt and Insolvent Act 1857 or any Act now passed or hereafter to be passed amending or altering that section or in substitution therefor apply to any such meter as aforesaid.

Meters let on hire not to be subject to distress.

60. Section 69 of the Act of 1884 shall be read and construed as if the sum of four thousand pounds had been therein inserted instead of two thousand pounds.

Amendment of section 69 of Act of 1884.

61. The Commissioners in the exercise of the power conferred by section 27 of the Act of 1874 relating to the amendment of rates shall be authorised to include in such amendment any new dwelling house or building the valuation of which has been returned to them in the general tenement valuation after the rates for the year have been fixed and assessed.

Amendment of section 27 of Act of 1874.

62. The Belfast city and district water rate book referred to in section 83 of the Act of 1865 and in section 82 of the Act of 1889 shall be in the form given in the schedule to this Act or as near thereto as circumstances permit Provided that columns 11 to 17 shall not be deemed to be a portion of the rate book.

Form of water rate book.

63. If the name of any owner or occupier whose name is required to be entered on the rate book of the Commissioners under the

Names in water rate book.

A.D. 1893. provisions of the Belfast Water Acts 1840 to 1893 shall not after due inquiry be known to the Commissioners it shall be sufficient to state such owner or occupier on the rate book as the owner or occupier of the property to be rated by the designation of "the owner" or "the occupier" without stating his name Provided that if any misnomer occurs in the entry of the name of any owner or occupier in the rate book the same shall not affect the liability of such owner or occupier to pay rates if otherwise liable to do so.

Water rate book made evidence.

64. In any proceeding to levy and recover or consequent on the levying or recovering of any rate assessed and made by the Commissioners under the provisions of the Belfast Water Acts 1840 to 1893 the rate books of the Commissioners and all entries made therein in manner directed by those Acts on the production thereof alone and without any evidence that the notice and other requirements of those Acts have been given and complied with shall be received as *prima facie* evidence of such rate and the amount thereof.

As to plans deposited by Commissioners.

65. The plans deposited or to be deposited by the Commissioners showing the lands waters or easements required for the purposes of their undertaking in accordance with the provisions of the Railways Act (Ireland) 1851 shall be deemed to be the plans directed to be deposited by the Waterworks Clauses Act 1847.

Restriction on taking houses of labouring class.

66. The Commissioners shall not under the powers of this Act take purchase or acquire within any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Defining labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others 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.

Supply for other than domestic purposes.

67. A supply of water for domestic purposes shall not include a supply for use in any club hotel barrack or institution of a public nature But the Commissioners shall supply any club hotel barrack or public institution with water on the application of persons

having the management or control of the same at such price and on such terms as may be agreed or in case of difference as may be determined by the recorder of the city of Belfast whose decision shall be final.

A.D. 1893.

68. In the event of the Antrim road works comprising the clear water basin middle basin and the margins or pathways thereof and any lands held therewith or any part or parts thereof being no longer required by the Commissioners for the purposes of their water supply and such lands having been by resolution of the Commissioners declared to be surplus lands the Commissioners may if they think fit retain those works for the use of the public for the purposes of recreation and amusement and they may expend out of their water revenues a sum not exceeding two hundred pounds per annum in laying out and maintaining the works for those purposes.

As to
Antrim road
works.

69. The Commissioners shall not intercept any of the streams or surface waters now flowing into or through the site of the Reservoir No. 10 by this Act authorised but shall make and maintain channels and conduits sufficient to carry such streams and surface waters past such reservoir and into the original stream bed below the reservoir provided that the Commissioners may use a portion of such waters for consolidating the embankment during construction.

Provision as
to service
reservoir.

70. The Commissioners shall make full compensation in money to William Geale Wybrants and James Stevenson their respective lessees and tenants and all other persons interested in the waters of the Kilkeel and Annalong Rivers which the Commissioners are by this Act authorised to take and intercept and the amount of such compensation including the cost of any fencing which would become necessary if the interception of the waters of the said rivers rendered them insufficient as water fences or boundaries shall except as otherwise provided by this Act in case of difference be determined in manner provided by the Railways Act (Ireland) 1851.

Compen-
sation for
water how
to be
determined.

The Commissioners may agree with such persons and such persons may agree with the Commissioners with respect to the amount of compensation to be so paid by the Commissioners and any agreements made between the Commissioners and any such persons with respect thereto before the passing of this Act shall be deemed to be made under the authority of this Act.

71. Subject to the provisions of this Act the works to be constructed under the authority of this Act shall for all purposes whatsoever be and be deemed part of the existing undertaking of the Commissioners.

New works
to form
part of
Commis-
sioners'
undertaking.

A.D. 1893.

Power to
reserve
rights on
sale of lands.

72. On any sale by the Commissioners of any lands the Commissioners may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservation accordingly and also subject to such other reservations special conditions restrictions and provisions as they may think fit.

Agreements
as to drain-
age &c. of
lands
within
drainage
areas.

73. Subject to the provisions of this Act the Commissioners may enter into agreements with any owner lessee or occupier of any lands or hereditaments within the drainage areas of any of their reservoirs or adjacent to any of the aqueducts conduits catchwaters or watercourses with respect to the making of drains or other works for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or derivatively into such reservoirs aqueducts conduits catchwaters or watercourses and the Commissioners may apply to the purposes of this section any part of the moneys raised by them under the authority of this Act.

Fouling
water during
construction
of works.

74. Subject to the provisions of this Act the Commissioners shall pay full compensation in money to any persons injured by reason of discoloured or impure water flowing from any tunnel heading shaft cutting or spoil heap during the construction of the works by this Act authorised and such compensation shall in case of difference be settled by two justices sitting at petty sessions in the district where the cause of complaint arises with the right of appeal to the county court judge for the county of Down whose decision shall be final and not subject to appeal or review.

Extension of
suburban
districts.

75. The provisions of sections 4 and 24 of the Act of 1884 shall apply to certain lands and premises in the townland of Oldpark in the parish of Shankhill and county of Antrim lying near or adjacent to the municipal boundary of the city of Belfast and which lands and premises are shown on the deposited plans and these lands shall be included in and form part of the suburban districts created by the Act of 1884.

Power to
enter on
lands
temporarily.

76. The provisions of section 23 of the Act of 1874 and of section 80 of the Act of 1889 shall apply to the works by this Act authorised.

Costs of Act.

77. All costs charges and expenses of and incident to the preparing and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1893.

The SCHEDULE referred to in the foregoing Act.

FORM OF WATER RATE BOOK.

BELFAST CITY AND DISTRICT WATER RATE BOOK.

WARD.

Assessment for the Domestic Water Rate and the Public Water Rate under the Belfast Water Acts for the year commencing on the first day of November one thousand hundred and to the thirty-first day of October one thousand hundred and at the rate of pence in the pound for the domestic rate and in the pound for the public rate.

| Assessment Number. | Situation of Property. | Name of Person assessed. | Lands. A. R. P. | Valuation. | | | Water Rates assessed. | Date of Payment. | Amount of Rate paid. | Abate-ments on Houses value £8 and under. | Other Abate-ments. | Arrears. | Rate cancelled. | Observa-tions. | | |
|--------------------|------------------------|--------------------------|--------------------|------------------|---|--|-----------------------|------------------|----------------------|---|--------------------|----------|-----------------|----------------|-------|-------|
| | | | | Gross Valuation. | Domestic Rate. On Houses exceeding £8 and under. | Public Rate. on Lands at 2d. per £. | | | | | | | | | | |
| (1.) | (2.) | (3.) | (4.) | (5.) | (6.) | (7.) | (8.) | (9.) | (10.) | (11.) | (12.) | (13.) | (14.) | (15.) | (16.) | (17.) |
| | | Carry forward. | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

(Total)

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