



### CHAPTER clxxxix.

An Act to confer further Powers on the Belfast City and District Water Commissioners. [6th August 1897.]

A.D. 1897.

**W**HEREAS by the Belfast Water Acts 1840 to 1893 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 expedient that the limits of the existing district of supply of the Commissioners be extended so as to include the townlands or parts of townlands described in this Act hereinafter called "the added areas":

And whereas it is expedient to alter the wards into which the existing district of supply is divided for electoral and other purposes to reconstitute the wards to alter the qualification of the Commissioners and to allocate the Commissioners to the new wards in manner provided by this Act:

And whereas the poor law guardians of the Belfast Poor Law Union (hereinafter called "the Belfast guardians") have constructed waterworks for the supply of certain places or districts wholly or in part within the added areas and have for that purpose borrowed divers sums of money the particulars of which are set forth in the schedule to this Act:

And whereas it is expedient that the rights powers and authority of the Belfast guardians with respect to such waterworks should be transferred to and vested in the Commissioners:

And whereas it is expedient that the new provisions in this Act contained should be made with reference to the mode of conducting contested elections of the Commissioners and the hours of polling:

And whereas it is expedient and would be for public advantage that the works in this Act mentioned should be constructed for the purpose (inter alia) of additional storage of the water of the Annalong river and that the Commissioners should be empowered

A.D. 1897. — to acquire additional lands and to borrow further moneys for the general purposes of their undertaking :

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 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 district of supply of the Commissioners 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 it is expedient that the other powers in this Act contained should be conferred on the Commissioners :

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 :—

## PART I.

### PRELIMINARY.

Short title and division of Act into parts.

1. This Act may be cited as the *Belfast Water Act 1897* and is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Extension of district of supply.

Part III.—Division into wards and elections.

Part IV.—Power to acquire lands and execute works.

Part V.—Borrowing powers.

Part VI.—Miscellaneous.

This Act and the other *Belfast Water Acts* to be construed as one Act.

2. This Act and the *Belfast Water Acts 1840 to 1893* 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 1897*.

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 to 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 form part of this Act And in the said incorporated Acts or any of them or in any Acts incorporated therewith or with this Act unless there be something in the subject or context repugnant to the respective constructions herein-after defined the expression "the special Act" means this Act the expressions "the promoters" "the promoters of the undertaking" "the undertakers" "the company" mean respectively the Commissioners the word "secretary" means the secretary of the Commissioners the expressions "the railway" "the undertaking" mean respectively the works by this Act authorised :

A.D. 1897.

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.

4. With reference to this Act the provisions of sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall extend to 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 to 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.

And in this Act—

The expression "the Act of 1840" means the local and personal Act 3 Victoria chapter lxxix. intituled "An Act for better supplying with water the town and borough of "Belfast";

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

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

A.D. 1897.  
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- The expression "the Act of 1879" means the Belfast Water Act 1879 ;
- The expression "the Act of 1884" means the Belfast Water Act 1884 ;
- The expression "the Act of 1889" means the Belfast Water Act 1889 ;
- The expression "the Act of 1893" means the Belfast Water Act 1893 ;
- The word "Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1893 and this Act ;
- The expression "the corporation" means the lord mayor aldermen and citizens of the city of Belfast ;
- The expression "the Belfast guardians" means the guardians of the poor of the Belfast Poor Law Union ;
- The expression "city of Belfast" and the word "city" mean the city and municipal district of Belfast as extended and defined by the Belfast Corporation Act 1896 ;
- The expression "Commissioners' existing district of supply" means the district of supply as existing immediately before the passing of this Act ;
- The expression "Commissioners' district of supply" means the district of supply as extended by this Act ;
- The expression "added areas" means the townlands or portions of townlands by this Act added to the Commissioners' existing district of supply ;
- The expression "suburban districts" means so much of the Commissioners' district of supply as is beyond the city of Belfast ;
- 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 1897 vested in the Commissioners ;
- 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 moneys under the control of the High Court may for the time being be invested in ;
- The expressions "water stock" "stock" respectively mean the Belfast City and District Water Commissioners Redeemable Stock ;

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. 1897.

The expression "office of the Commissioners" means the office of the Commissioners situate in Royal Avenue in the city of Belfast or other the principal office of the Commissioners for the time being.

## PART II.

## EXTENSION OF COMMISSIONERS' DISTRICT OF SUPPLY.

6.—(1.) The boundary of the Commissioners' existing district of supply is hereby extended so as to comprise and the Commissioners' district of supply shall accordingly comprise in addition to the Commissioners' existing district of supply the lands herein-after described (that is to say) :—

Extension of district of supply.

(A) The townlands or portions of townlands included within the boundaries of the city of Belfast (herein-after referred to as "the city boundary") in so far as such townlands are now beyond the Commissioners' existing district of supply (that is to say) :—

The townlands of Greencastle Lowwood Ballyaghagan Oldpark Legoniel Ballysillan Lower Ballygomartin Ballymagarry Ballymurphy in the parish of Shankill and county of Antrim and the foreshore or slob lands in the parish of Shankill and county of Antrim or extra parochial thereto and the townland of Ballymaghan in the parish of Holywood and the townland of Galwally in the parish of Knockbreda in the county of Down :

(B) The townlands or portions of townlands herein-after described which are not included within the city boundary or within the Commissioners' existing district of supply (that is to say) :—

The townland of Ballygolan in the parish of Carnmoney and county of Antrim ;

The foreshore in the parish of Carnmoney and county of Antrim or extra parochial thereto ;

The townlands of Ballydownfine and Ballygammon in the parish of Shankill and the townland of Ballyfinaghy in the parish of Drumbeg and county of Antrim ;

The townlands of Galwally and Breda in the parish of Knockbreda and county of Down :

A.D. 1897.

And the said townlands or parts of townlands so added to the Commissioners' existing district of supply shall subject to the provisions of this Act form part of the Commissioners' district of supply for all the purposes of the Acts of Parliament relating to the Commissioners.

(2.) The Commissioners' district of supply as extended by this Act is shown on a map upon which the added areas are coloured red and the boundaries of the existing district of supply marked by a blue band signed in triplicate by the Right Honourable Albert Edmund Earl of Morley Chairman of Committees of the House of Lords one copy whereof is deposited in the Office of the Clerk of the Parliaments another copy in the Private Bill Office of the House of Commons and another copy in the office of the Commissioners. The said map is herein-after referred to as "the district map."

(3.) Copies of the district map deposited with the secretary or any extract therefrom certified by him to be accurate shall be *prima facie* evidence of the boundaries of the Commissioners' district of supply as shown thereon and such map shall at all reasonable times be open to the inspection of persons liable to rates imposed by the Commissioners. In the event of any discrepancy between the boundaries described in this Act and those shown on the map the map shall prevail.

Transfer of water supply in Legoniel Greencastle and Whitehouse from Belfast guardians.

7. Subject to the provisions of this Act all the works property rights powers and liabilities of the Belfast guardians with respect to the supply of water within the districts or contributory places of Legoniel Greencastle and Whitehouse shall be transferred to and vested in the Commissioners as and from the passing of this Act.

Extending jurisdiction and powers of Commissioners.

8. Subject to the provisions of this Act the rights powers privileges authorities and jurisdiction of the Commissioners under and by virtue of the Belfast Water Acts 1840 to 1897 with reference to the existing district of supply shall extend and apply to and may be exercised within the added areas.

Conveyances &c. to remain in force.

9. Subject to the provisions of this Act all conveyances leases grants deeds contracts agreements mortgages bonds and covenants made or entered into before the passing of this Act to with in favour of or by the Belfast guardians or any person on their behalf and then in force (in relation to any part of the property by this Act transferred to the Commissioners) shall be and remain as good valid and effectual in favour of against and with reference to the Commissioners and may be proceeded on and enforced in like manner to all intents and purposes as if the Commissioners instead of the Belfast guardians had been party or privy thereto.

All such conveyances leases and other documents relating exclusively to the properties by this Act transferred to the Commissioners shall be delivered to the Commissioners.

A.D. 1897.

**10.**—(1.) After the passing of this Act the Belfast guardians shall not make or levy within the added areas or any part thereof any rate or part of a rate in respect of water supply. Provided always that all arrears of any rate existing at the passing of this Act may be levied collected and recovered as if this Act had not been passed.

Rates for water supply not to be levied by Belfast guardians in added areas.

(2.) Arrears of rate for the purposes of this section shall include the rate made last before the passing of this Act but the Belfast guardians shall in respect of the added areas retain out of such last-mentioned rate so far as the same relates to water supply the proportionate part only up to the passing of this Act and shall pay over the remainder thereof to the Commissioners and if any dispute shall arise between the Commissioners and the Belfast guardians as to the amount so payable to the Commissioners such dispute shall be determined by the Local Government Board for Ireland whose decision shall be final.

(3.) Any person who shall have paid to the Belfast guardians any rate in respect of premises within the added areas for which an apportionment is in this section provided shall on producing the proper receipt for the same be entitled to credit for the apportioned part thereof payable to the Commissioners under this section as against the first rate payable by him to the Commissioners after the passing of this Act in respect of such premises.

**11.** In all cases where occupiers of premises within the added areas are now by law or agreement entitled to deduct from any rent payable in respect of such premises any part of any rate now levied by the Belfast guardians in respect of water supply they shall have the same right of deduction in respect of any rate levied by the Commissioners under this Act.

Right of deduction in certain cases.

**12.**—(1.) As from the passing of this Act the Commissioners shall subject to the provisions for apportionment herein-after contained become liable for and pay the then future instalments for repayment of the several sums borrowed by the Belfast guardians for the construction of such works and property as are by this Act transferred to and vested in the Commissioners and the interest thereafter due and accruing on the balance of the loan.

Waterworks debt of Belfast guardians.

(2.) Where any such sum shall have been borrowed in respect of such works in a contributory place partly within and partly without the added area the then future instalments in respect thereof and the interest thereafter due and accruing on the balance of the loan shall be apportioned between the Commissioners and the said guardians.

A.D. 1897.

(3.) The instalments and interest falling due next after the passing of this Act shall be apportioned between the Commissioners and the said guardians.

(4.) If any dispute shall arise as to any such apportionment the same shall be settled by the Local Government Board for Ireland and the Belfast guardians shall be discharged from all further liability in respect of such instalments or the parts thereof so apportioned to the Commissioners and the interest thereon as aforesaid.

(5.) The said instalments and portions of instalments and interest for which the Commissioners will become liable under the provisions of this section shall be charged on the revenues of the Commissioners and shall be paid and satisfied out of such revenues or out of the moneys to be borrowed under this Act.

Compensation to officers.

13. Any officer of the Belfast Board of Guardians who shall be in office at the passing of this Act shall be entitled to be paid compensation by the Commissioners in respect of any direct pecuniary loss by diminution or loss of fees or salary which he shall suffer by virtue of this Act regard being had to the conditions on which his appointment was made or held to the nature of his office or employment to the duration of his service and to all the other circumstances of the case and such compensation may be by way of annuity or otherwise and the amount thereof if not agreed upon between the Commissioners and the officer claiming the same shall be determined by the Local Government Board for Ireland.

### PART III.

#### DIVISION INTO WARDS AND ELECTIONS.

District of supply within city.

14. The Commissioners' district of supply in so far as the same is within the boundaries of the city of Belfast shall for the purposes of the Belfast Water Acts 1840 to 1897 be divided into the same fifteen wards into which the city of Belfast is or may be divided under the provisions of the Belfast Corporation Act 1896.

As to lands beyond city.

15. The lands forming portions of the Commissioners' district of supply and not included within the city boundary are hereby incorporated with or added to the fifteen wards into which the city is now or may be divided in manner shown on the district map and shall be and be deemed to be part of those wards respectively for all the purposes of the Belfast Water Acts 1840 to 1897. Provided that for the purposes of any election held prior to the second Tuesday in the month of March one thousand eight hundred and ninety-eight the wards shall be deemed to be the same as immediately before the passing of this Act.



**16.** On and from the second Tuesday in the month of March one thousand eight hundred and ninety-eight the Commissioners shall consist of two ex-officio members who shall be the lord mayor of the city of Belfast for the time being and the chairman for the time being of the Belfast Harbour Commissioners and fifteen elective members and one elective member shall be assigned to each of the fifteen wards into which the Commissioners' district of supply is divided under the provisions of this Act.

A.D. 1897.  
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Commissioners as from second Tuesday in March 1898.

**17.** The persons (other than the ex-officio members) who on the second Tuesday in the month of March one thousand eight hundred and ninety-eight are Commissioners shall on that day go out of office and on that day an election of Commissioners for the respective wards into which the Commissioners' district of supply is divided under this Act shall be held according to the provisions herein-after contained and the Commissioners then elected shall go out of office on the second Tuesday in the month of March one thousand nine hundred and one when their places shall be supplied by the election of a like number of Commissioners and so on in every succeeding third year so that no elective Commissioner shall remain in office more than three years without being re-elected.

Commissioners to retire as from that date.

**18.** The following provisions shall apply to the election to be held on the second Tuesday in March one thousand eight hundred and ninety-eight and to every subsequent election of Commissioners:—

Election of Commissioners.

- (A) When the number of candidates nominated does not exceed the number of vacancies to be filled up such person or persons shall on the day of election be deemed to be duly elected:
- (B) Where the number of candidates nominated for any ward exceeds the number of vacancies to be filled up an election shall be held in accordance with the following provisions:—
- (1) The chairman of the Commissioners may at any time appoint a person not being a candidate returning officer for the purpose of taking the poll for each such ward;
  - (2) If the chairman is himself a candidate in such ward or is absent or unable to act his duties under this section shall be performed by the deputy chairman or if he is absent or unable to act by some Commissioner for the time being discharging the duties of the chairman;
  - (3) If any returning officer appointed under this section declines or is unable or fails for any reason to act another may be appointed in his stead in accordance with the provisions of this section;
  - (4) A returning officer appointed under this section shall from the time of his appointment have all the powers and

A.D. 1897.

be liable to all the duties of a returning officer at a municipal election in Ireland ;

- (5) Where the returning officer is not a Commissioner the Commissioners may pay him such reasonable remuneration as they shall think fit not exceeding three guineas.

For  
supplying  
occasional  
vacancies.

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

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

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

Repeal of  
provisions of  
Act of 1889  
as to quali-  
fication of  
Commis-  
sioners and  
of electors  
and new  
enactments.

**21.** Subject to the provisions of this Act section 23 of the Act of 1889 is repealed and from and after the passing of this Act the following provisions shall have effect (that is to say):—

(A) On and after the second Tuesday in the month of March one thousand eight hundred and ninety-eight no person shall be qualified to be elected or act as a Commissioner unless he shall be resident within twenty miles from the office of the Commissioners and also be registered as an elector under this Act :

(B) No person shall be capable of acting as a Commissioner until he shall have made and signed a declaration within one month after election to the effect following :—

“I A.B. do solemnly declare that I will faithfully honestly and impartially according to the best of my skill and judgment execute all the powers and authorities reposed in me as a Commissioner by virtue of the Belfast Water Acts 1840 to 1897 and that I am duly qualified as a Commissioner under the Belfast Water Act 1897 ”:

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

A.D.: 1897.

“ and that I am duly qualified as a Commissioner under the Belfast Water Act 1897 ”:

- (c) The qualification of an elector of the Commissioners shall be the same as that of a person entitled by law for the time being to vote at the election of a member of the council of the city so far as the same is not inconsistent with the provisions of this section. Provided that occupiers of premises in the suburban districts who if such premises were situate within the city would be entitled to vote at the election of a member of the said council shall be qualified as electors under this Act. Provided also that any person resident within twenty miles from the office of the Commissioners shall not be disqualified by reason only that he is not resident within seven miles of the city:
- (d) The town clerk shall on application of the secretary in the month of November in each year and on payment of a fee of one guinea supply the Commissioners with a copy of the list for the time being of persons entitled to vote at the election of members of the corporation:
- (e) The clerks of the poor law unions of Belfast and Lisburn shall on application of the secretary in the month of October in each year supply the Commissioners with lists certified to be correct under their hands respectively containing the names of all persons rated for the year then current for the relief of the poor in the townlands in those unions respectively which are included within the suburban districts and the Commissioners shall pay to such clerks reasonable remuneration for the preparation of such lists not exceeding four shillings and twopence for each one hundred names supplied and if less than one hundred names in proportion and in the event of nonpayment the same may be recovered before the recorder of the city of Belfast:
- (f) From the list so supplied by the town clerk and the lists supplied by the clerks of the poor law unions of Belfast and Lisburn respectively the secretary shall before the fifteenth day of December one thousand eight hundred and ninety-seven and on or before the fifteenth day of December in every succeeding year prepare a list to be called “the draft list of electors” and such list shall be made in separate divisions one for each ward containing the names of the electors in that ward and the Commissioners shall cause a copy of such list to be affixed on or

A.D. 1897.

before the fifteenth day of December in each year in some place accessible to the public in the office of the Commissioners or in some conspicuous place on the outside thereof and to be kept there during office hours for inspection by the public up to and including the twenty-second day of December :

(a) The following provisions shall be observed and have effect in respect to the revision of the draft list of electors and completion of the register of electors :—

- (1) The Commissioners shall in every year appoint a barrister or solicitor (herein-after called "the revising officer") to revise the draft list of electors prepared by the secretary ;
- (2) Such revising officer shall at some time between the first and fifteenth days of January in the year one thousand eight hundred and ninety-eight and every succeeding year hold a court in the office of the Commissioners for the revision of such draft list of electors and may adjourn such court from time to time but so that no such adjourned court be held after the thirty-first day of January in any year ;
- (3) The secretary of the Commissioners shall give seven clear days' notice of the time and place of holding such court by advertisement in two or more daily newspapers published in the city and by affixing a notice in some place accessible to the public within the office of the Commissioners or on some conspicuous place on the outside thereof ;
- (4) The revising officer shall strike out of such draft list of electors the names of persons who are not occupiers of premises within the Commissioners' district of supply and he shall add to such draft list the names of persons who appear to him to be qualified as by this Act directed ;
- (5) When the name of any person appears to be entered more than once in the draft list of electors the revising officer shall inquire whether such entries relate to the same person and on being satisfied thereof shall retain one of the entries for voting and shall expunge the other or others ;
- (6) Persons claiming to have their names inserted in the list of persons qualified to vote shall lodge with the secretary on or before the twenty-fourth day of December in any year a claim in the form given in the schedule to the Belfast Water Act 1884 or to the like effect and the secretary shall make out a list of such claims in separate divisions for each ward and shall submit such list to the revising officer along with the draft list of electors ;

- (7) The revising officer shall hear any person appearing before him by himself or by his agent in support of any claim to vote as an elector and he shall insert or omit the name of any person as he thinks just in accordance with the provisions of this Act and his decision shall be final and he may for the purposes of this section administer oaths ;
- (8) Production by any person whose name does not appear on the draft list of electors of a receipt for water rates for the year preceding on an annual value of premises of not less than four pounds five shillings shall be received by the revising officer as sufficient proof of the title of the person whose name is mentioned on such receipt to be placed on the register and he shall be placed on the register accordingly ;
- (9) In the event of the revising officer failing from any cause to perform his duty the Commissioners may remove him from his office and appoint another barrister or solicitor in his place And any barrister or solicitor so appointed in his stead may do everything required and authorised by this section to be done by the revising officer ;
- (10) The draft list of electors as corrected revised and signed by the revising officer shall constitute the register of electors for the next ensuing election of Commissioners and shall remain in force until rendered invalid by the completion of the next following register of electors ;
- (11) The Commissioners as soon thereafter as may be reasonably convenient not being later than the twentieth day of February in each year shall cause copies of the register signed by the secretary to be affixed in some place accessible to the public within the office of the Commissioners or in some conspicuous place on the outside thereof until the seventh day of March in each year and any person demanding a copy shall be entitled to the same on payment of such reasonable sum as shall be fixed by the Commissioners not exceeding sixpence for each copy for each ward ;
- (12) The Commissioners shall pay to the revising officer such reasonable remuneration for the time during which he shall be engaged in the performance of his duties as the Commissioners may determine not exceeding thirty guineas ;
- (13) No person shall be entitled to vote at the election of Commissioners in the year one thousand eight hundred and ninety-eight or in any succeeding year unless his name

A.D. 1897.

A.D. 1897.

appears on the register of electors in force for that election made up in conformity with the provisions of this Act and no person shall be entitled to vote in more wards than one.

Ballot Act  
and other  
Acts to apply  
to elections  
of Commis-  
sioners.

38 & 39 Vict.  
c. 40.

48 & 49 Vict.  
c. 10.

**22.**—(1.) Subject to the provisions of this Act so much of the Ballot Act 1872 as relates to municipal elections in Ireland (as altered and amended by the Acts or parts of Acts herein-after mentioned) sections 1 2 3 4 5 7 8 and 11 of the Municipal Elections Act 1875 and the Elections (Hours of Poll) Act 1885 shall extend and apply to all elections of Commissioners under this Act as if such elections were municipal elections within the meaning of those Acts and in construing those Acts for the purposes of this Act the following words and expressions shall have the following meanings unless there be something in the subject or context repugnant to such constructions respectively (that is to say):—

The expression “town clerk” shall mean the secretary of the Commissioners;

The word “burgesses” shall mean all persons on the register of electors under this Act for the time being in force;

The expressions “burgess roll” and “register of voters” shall mean the register of electors under this Act for the time being in force;

The word “mayor” shall mean and include the chairman for the time being of the Commissioners and in his absence or failure to act the deputy chairman or other person discharging the duties of the chairman and any returning officer appointed as herein-before provided;

The word “councillor” shall mean a Commissioner;

The expression “town hall” shall mean the office of the Commissioners;

The word “borough” shall mean the Commissioners’ district of supply.

(2.) Sections 66 and 67 of the Act of 1840 and sections 42 43 and 44 of the Act of 1884 and any other provisions in the Belfast Water Acts 1840 to 1893 inconsistent with the provisions of this section are hereby repealed.

(3.) The provisions of this section shall not apply to any election held before the second Tuesday in March one thousand eight hundred and ninety-eight and any such election shall be held in the same manner as if this Act had not passed.

22 Vict.  
c. 35.

(4.) The Municipal Corporation Act 1859 shall not apply to any election of Commissioners under this Act.

## PART IV.

A.D. 1897.

## POWER TO TAKE LANDS AND EXECUTE WORKS.

**23.** Subject to the provisions of this Act the Commissioners may for additional storage and other purposes 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 bridges roads approaches wells tanks basins gauges filter beds discharge pipes drains mains pipes junctions valves telegraphs telephones and other means of electric communication engines apparatus houses 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 reservoir for the storage of the water of the Annalong river situate in the valley of the Annalong river to be formed by an embankment commencing in the townland of Moneydorrugh More Upper at a point two hundred and thirty-six yards or thereabouts measuring west from the centre of the weir which the Commissioners have constructed across the Annalong river thence extending in an east-north-easterly direction across the valley and terminating in the townland of Mullartown at a point three hundred and seventy yards or thereabouts measuring north-north-east from the centre of the weir above referred to Such intended reservoir thence extending up the valley to a point in the townland of Mourne Mountains East measuring one thousand three hundred and forty-three yards or thereabouts north-west from the centre line of the embankment before described Such intended reservoir will be situate in the townlands of Mullartown Upper Mullartown Mourne Mountains East and Moneydorrugh More Upper or some of them all in the parish of Kilkeel and county of Down :

(2) A railway three miles one furlong and nine chains or thereabouts in length commencing in the townland of Brackenagh West at a point two hundred and forty-five yards or thereabouts measured in a north-westerly direction from the western corner of a dwelling-house belonging or reputed to belong to the Earl of Kilmorey Francis M'Cullough Quinn

A.D. 1897.

Henry and Nicholas Minnis and occupied by Edward Haughen such dwelling-house being situate in the townland of Brackenagh West parish of Kilkeel and county of Down the railway thence passing in a generally north-easterly direction and terminating in the townland of Moneydorrugh More Upper at a point seventy-eight yards or thereabouts measuring south-west from the centre of the said weir across the Annalong river The intended railway will pass through and into the townlands of Brackenagh West Brackenagh East Ballyveagh Beg Ballyveagh More Moneydorrugh More Moneydorrugh More Upper and Mullartown or some of them in the parish of Kilkeel and in the county of Down :

- (3) A high service tank of a rectangular form fifty yards in length or thereabouts and thirty yards wide or thereabouts having its eastern angle thirty-eight yards or thereabouts measured in a westerly direction from the pillar at the junction of the townlands of Upper Ballysillan and Oldpark which marks the parliamentary boundary of the city of Belfast on the east side of the public road from Belfast to Crumlin and near the bend of such road known as the Horse Shoe The said service tank will be situate in the townlands of Upper Ballysillan and Oldpark or one of them all in the parish of Shankill and county of Antrim :
- (4) A line of pipes under pressure commencing at a point in the townland of Oldpark parish of Shankill and county of Antrim one hundred and fifty yards or thereabouts measured in a south-westerly direction from the southern corner of the south-west filter bed of the Oldpark Filter Works of the Commissioners thence extending in a generally north-westerly direction and terminating at the margin of the Service Tank Work No. 3 above described at a point in the townland of Upper Ballysillan thirty-eight yards or thereabouts measured in a westerly direction from the pillar at the junction of the townlands of Upper Ballysillan and Oldpark which marks the parliamentary boundary of the city of Belfast on the east side of the public road from Belfast to Crumlin and near the bend of such road known as the Horse Shoe The said intended line of pipes will pass through and into the townlands of Oldpark and Upper Ballysillan parish of Shankill and county of Antrim :
- (5) A high service tank wholly in excavation rectangular in form and measuring thirty-three yards or thereabouts in length and ten yards or thereabouts in width and having its eastern angle one hundred and five yards or thereabouts measured in a



north-westerly direction from the northern angle of the building known as Legoniel House in the townland of Legoniel. The said tank will be situate in the townland of Legoniel parish of Shankill and county of Antrim :

(6) A high service reservoir wholly situate in the townland of Ballyaghagan parish of Shankill and county of Antrim formed partly by embankment and partly in cutting such embankment commencing by a junction with the embankment there of the existing reservoir at a point in the said townland twenty-six yards or thereabouts measured in a northerly direction from the centre of the entrance gate to the existing Ballyaghagan high service reservoir of the Commissioners thence extending in a south-easterly direction for a distance of eighty-eight yards or thereabouts thence again extending in a north-north-easterly direction for a distance of one hundred and forty yards or thereabouts and terminating at a point in the said townland one hundred and sixty-four yards or thereabouts measured in a north-easterly direction from the centre of the entrance gate before described. The said intended reservoir will extend in a north-easterly direction for a distance of one hundred and thirty-two yards or thereabouts from the centre line of the first portion of the embankment above described :

(7) A conduit or line of pipes under pressure commencing in the townland of Ballygolan by a junction with the existing Woodburn conduit at a point one hundred and eighty-one yards or thereabouts measured in a north-westerly direction from the western angle of the building known as the Throne Hospital situated in the same townland thence extending in a generally south-south-easterly direction and terminating by a junction with the said existing conduit at a point in the townland of Ballygolan two hundred and ninety-seven yards or thereabouts measured in a southerly direction from the western angle of the building known as the Throne Hospital before described. The said intended conduit or line of pipes will be wholly situate in the townland of Ballygolan in the parish of Carnmoney and county of Antrim :

Provided that the telegraphs telephones and other means of electric communication constructed under the powers of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

24. The railway shall be used exclusively by the Commissioners for the purposes of their undertaking and only during the construction of the works by this Act authorised and shall be properly fenced

Railway to be used exclusively for purposes

A.D. 1897.  
 of water  
 undertaking.

No train on the railway shall travel at a greater speed than ten miles an hour. Immediately after the completion of the works in the construction of which the railway shall be used the rails and sleepers shall be taken up and the railway will cease to exist.

The lands occupied by such railway and sidings shall on the completion of the works authorised by the Act of 1893 and by this Act 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. Provided that such reverter shall not apply to any lands easements or rights acquired or to be acquired by the Commissioners for the purpose of the construction and maintenance of any conduits and works other than railways authorised by the Act of 1893 and by this Act.

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

**25.**—(1.) 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 and described in the deposited books of reference (that is to say):—

Lands lying near the North Woodburn reservoir of the Commissioners situate in the townlands of Commons and the middle division in the parish of St. Nicholas or Carrickfergus and county of the town of Carrickfergus ;

Lands near the Stonyford reservoir of the Commissioners in the townlands of Drumaukelly and Bovolcan in the parish of Derryaghy and in the townlands of Ballyclogh and Ballynadolly in the parish of Magheragall and county of Antrim ;

Lands near the Leathemstown reservoir of the Commissioners in the townland of Ballymacward Lower and parish of Derryaghy and in the townland of Tullyrusk parish of Tullyrusk and county of Antrim ;

Lands near the Oldpark high service reservoirs of the Commissioners in the townlands of Oldpark Skegoneil and Townparks parish of Shankill and county of Antrim ;

Lands near the Ballyaghagan high service reservoir of the Commissioners in the townland of Ballyaghagan parish of Shankill and county of Antrim ;

Lands near the Copeland reservoir of the Commissioners in the townland of north-east division parish of St. Nicholas or Carrickfergus and county of the town of Carrickfergus ; and

Lands near the village of Legoniel in the townland of Legoniel parish of Shankill and county of Antrim. A.D. 1897.

(2.) The lands in this section mentioned or referred to and any other lands which may be acquired by the Commissioners 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 on any such lands create or permit a nuisance or 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. Lands not to be superfluous lands.

(3.) 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 let or sell lands on terms.

**26.** Notwithstanding anything contained in this Act or shown upon the deposited plans the Commissioners shall not enter upon take or use compulsorily the lands numbered 36 37 37A 38 39 40 41 42 43 44 45 46 46A 47 48 49 50 51 52 53 54 55 56 57 68 69 upon such plans respectively in the townland of Oldpark parish of Shankill and county of Antrim. Not to take certain lands at Oldpark.

**27.** Notwithstanding anything contained in this Act or shown upon the deposited plans the Commissioners shall not enter upon take or use compulsorily the lands numbered 5 9 10 11 12 13 14 16 21 22 23 24 25 26 27 on such plans respectively in the townland of Ballyaghagan parish of Shankill and county of Antrim. Not to take certain lands at Ballyaghagan.

**28.** 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 and railway by this Act authorised) 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 duplicating 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. Power to acquire easements.

A.D. 1897.

Compensation for easements.

**29.** 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.

Persons under disability may grant easements &amp;c.

**30.** 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 grantors have an interest) required for the purposes of this Act in 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.

Extension of power to lay pipes.

**31.** The powers conferred upon the Commissioners by section 22 of the Act of 1884 are hereby extended and that section shall be read and have effect as if the words "Commissioners' district of supply" had been inserted therein instead of the words "borough or suburban districts" and as if the words "six miles" had been inserted therein instead of the words "four miles."

Reconstruction &amp;c. of conduits and mains.

**32.** The Commissioners may from time to time reconstruct renew enlarge duplicate add to or alter their conduits aqueducts mains or pipes so far as they may think it necessary or desirable so to do for the purposes of the Belfast Water Acts 1840 to 1893 and this Act or any of them.

Power to discharge water into streams.

**33.** The Commissioners may discharge water from their works into the following streams and watercourses at the points herein-after respectively mentioned (that is to say):—

(1) The stream flowing under the public road leading from Belfast to Crumlin at a point four hundred and fifty-seven yards or thereabouts measured in a south-westerly direction from the pillar at the junction of the townlands of Upper Ballysillan and Oldpark which marks the parliamentary boundary of the city of Belfast on the east side of the public road from Belfast to Crumlin and near the bend of such road known as the Horse Shoe :

(2) The mill race which flows under the public road leading from the village of Legoniel to Crumlin at a point three hundred and fifty-three yards or thereabouts measured in an

easterly direction from the north-eastern angle of the building known as the Wolfhill Flax Spinning Mill:

A.D. 1897.

Provided that the Commissioners shall not discharge into either the said stream or the said mill race any greater quantity of water than can be discharged through a pipe of six inches internal diameter and that 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 two justices sitting at petty sessions for the district in which the damage is alleged to have been done subject to an appeal by either party to the county court judge of the county of Antrim whose decision shall be final.

**34.** The Commissioners may from time to time if they think fit deepen clean out and free from obstructions the bed of the stream which flows from the Stonyford reservoir of the Commissioners through the townlands of Ballynadolly and Aghacarnan in the parish of Magheragall and the townland of Island Kelly in the parish of Derryaghy in the county of Antrim but the Commissioners shall not be under any obligation to exercise the powers aforesaid Provided that 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 of the exercise of such powers the amount of compensation to be settled in case of difference by two justices sitting at petty sessions for the district in which the damage is alleged to have been done subject to an appeal by either party to the county court judge of the county of Antrim whose decision shall be final.

Power to deepen and clean out stream flowing from Stonyford reservoir.

**35.** The Commissioners may on any lands which they have acquired or may hereafter acquire near the Oldpark and Ballyaghagan high service reservoirs erect and maintain such pumping stations with such buildings machinery and appliances as they may think necessary or convenient for the supply of water to the high level portion of the Commissioners' district of supply.

Power to erect pumping stations.

**36.** 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.

Commissioners may dispose of materials excavated in course of works.

**37.** 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

Provision for accommodation works.

A.D. 1897. — 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 provisions as to accommodation works.

**38.** 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.

**39.** 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 reservoirs and tanks authorised by this Act and expressions referring to the centre line of the railway shall mean in the case of the reservoirs and tanks 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 or the county of Antrim as the case may be whose decision shall be final and not subject to appeal or review.

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

**40.** 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 that with respect to conduits and lines of pipes the Commissioners shall not raise any portion of the same above the surface of the ground unless when the lands traversed by such conduits and pipes have been purchased in fee and in any such case the Commissioners shall make compensation to all persons injuriously affected by such raising.

A.D. 1897.

41. 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 to the crossing of roads on the level the Commissioners may in the construction of the railway by this Act authorised carry the same with a single line only whilst the railway 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):—

Power to cross certain roads on the level.

No. on deposited Plans.	Townlands.	Parish.	Description of Road.
224	Brackenagh West -	Kilkeel - -	Public road.
37	Brackenagh East -	Kilkeel - -	Public road.
31	Ballyveagh Beg -	Kilkeel - -	Public road.
107	Ballyveagh More -	Kilkeel - -	Public road.
124	Ballyveagh More -	Kilkeel - -	Public road inside limits of deviation but not crossed by centre line of railway.
86	Moneydorrhagh More	Kilkeel - -	Public road.
1	Moneydorrhagh More Upper.	Kilkeel - -	Public road.
50	Moneydorrhagh More Upper.	Kilkeel - -	Public road.

In the construction of the railway authorised by this Act the Commissioners shall provide safety points for the protection of the public roads crossed on the level by the railway.

42. 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 three years from the passing of this Act.

Period for compulsory purchase of lands &amp;c.

43. 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.

A.D. 1897.

Power to  
take lands by  
agreement.

44. 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:

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.

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

45. 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.

Power to  
reserve  
rights on  
sale of lands.

46. 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.

Restriction  
on taking  
houses of  
labouring  
class.

47. The Commissioners shall not under the powers of this Act purchase or acquire 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.

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.

For pro-  
tection of  
streets in  
added areas  
outside city  
of Belfast.

48. The following provisions shall be observed and complied with by the Commissioners in laying down pipes and conduits along or under any public street or in any alteration of such street in the added areas outside the city:—



A.D. 1897.

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

49. The following provisions shall have effect within the city of Belfast for the protection of the lord mayor aldermen and citizens of the city of Belfast (herein-after called "the corporation") and the inhabitants thereof (that is to say):—

For protec-  
tion of  
corporation  
of city of  
Belfast.

- (1) Nothing in this Act shall exempt the Commissioners or any buildings erected or to be erected on any lands within the city from any enactment or byelaws of the corporation relative to buildings:
- (2) When the cover of the stopcock on a service pipe conveying water into any dwelling-house or building within the city is defective or out of repair the corporation may by notice in writing from the city surveyor require the Commissioners to cause the owner or other person or persons (if any) liable for the same to repair or replace such defective cover and in the event of such repair not being executed by such person within three days after receipt of such notice by the Commissioners the Commissioners shall immediately thereafter have the necessary repairs made thereon. Provided that the Commissioners may recover the cost and expense of every such repair or replacement from the owner of such dwelling-house or building or other the person or persons (if any) liable therefor or from the agent or person for the time being in receipt of the rent of the same:
- (3) Where the corporation require to alter the level of any street within the city the Commissioners shall at their own expense make such alterations in the line or level of any main or pipe laid by them after the passing of this Act in such street as may be necessary in consequence of such alteration:
- (4) The Commissioners in carrying out any of the works by this Act authorised whether within or without the city shall not cause any obstruction to the waterway or flow of any sewer

A.D. 1897.

drain or watercourse under the jurisdiction or control of the corporation.

For protection of grand jury of county of Down.

**50.** For the protection of the grand jury of the county of Down (herein-after called "the grand jury") the following provisions shall apply and have effect:—

The Commissioners shall pay to the grand jury all additional costs and expenses incurred by the grand jury in or about the maintenance of the harbour channel of Annalong during the first five years after the completion of the said Work No. I. by this Act authorised over and above the costs and expenses so incurred by the grand jury during the period of five years immediately preceding the completion of the works and at the expiration of the said period of five years from the completion of the said Work No. I. an arbitrator shall be appointed by the Commissioners and the grand jury or in case of difference between them by the Board of Trade to settle and determine what compensation (if any) the Commissioners shall pay to the grand jury to cover all future claims for compensation in respect of any such additional costs and expenses as aforesaid and no extension or improvement of the harbour works shall in any way invalidate or affect the operation of this section Provided always that the Commissioners shall not be liable for any additional costs or expenses occasioned by or through the construction of any new harbour works by the grand jury during the said period of five years.

For protection of Mourne estate and owners thereof and their lessees and tenants.

**51.** 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:—

(1) The storage reservoir railway and other works by this Act authorised to be constructed upon the estate shall be deemed to have been authorised by the Act of 1893 and so much of the lands of the owner as it may be necessary for the Commissioners to purchase under the powers in that behalf conferred upon them by this Act for the purposes of their undertaking including the above-mentioned storage reservoir railway and other works and as are not part of the lands described in paragraph (A) of sub-section (1) of section 30 of the Act of 1893 shall be deemed to have formed part of the lands so described and the above-mentioned railway shall be deemed to have been mentioned in the said sub-section in addition to the railways

therein specified and all the provisions of section 30 of the Act of 1893 shall subject to sub-sections (2) and (3) of this section and with such modifications as may be necessary apply accordingly :

A.D. 1897.

- (2) Paragraph (a) of sub-section (2) of section 30 of the Act of 1893 shall have effect as if the period thereby limited for the appointment of arbitrators were three months from the passing of this Act instead of the one month therein mentioned :

Provided that if the arbitrator appointed under the Railways Act (Ireland) 1851 shall not have made his award dealing with the abatements of the rents to be paid by tenants holding under the owner the arbitrators or in case of disagreement the umpire appointed shall decide the number of years purchase to be paid upon the abatements to be made under the award of the arbitrator appointed under the Railways Act (Ireland) 1851 :

Provided that should the Commissioners determine not to proceed with the construction of the railway by this Act authorised and signify such determination in writing by the hand of their secretary to the owner or his agent or solicitor within three months after the passing of this Act then the foregoing provisions shall be of no effect so far as regards the lands necessary for the construction of the said railway and the Commissioners shall be under no obligation to purchase the same :

- (3) From and after commencing to fill with water the storage reservoir in the Annalong Valley by this Act authorised the Commissioners shall cause to be discharged into the bed of the Annalong river at or near the down stream boundary of such reservoir a regular and continuous supply of water at the rate of fifty thousand gallons in twenty-four hours :

Paragraphs (c) (d) (e) and (f) of sub-section (5) of section 30 of the Act of 1893 shall (in addition to applying in respect of the supply mentioned in paragraphs (A) and (B) of that sub-section) mutatis mutandis apply in respect of the supply mentioned in the first paragraph of this sub-section :

Provided that nothing in this section contained shall alter or vary the time limited by the section of this Act the marginal note of which is "Period for completion of works" for the completion of the works by this Act authorised.

#### PART V.

##### POWER TO BORROW.

52. For the purposes of this Act and the general purposes of their undertaking the Commissioners may from time to time

Power to borrow further moneys.

A.D. 1897.

borrow on mortgage of the rates to be assessed and levied under the authority of the Belfast Water Acts 1840 to 1897 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 1893 and also such further sum or sums of money not exceeding the sum of one hundred and twenty thousand pounds as shall from time to time in their judgment be requisite and they may grant mortgages for securing the moneys so borrowed charged on the said rates and revenues. Provided always that the 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 1893 and the interest thereof shall be charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1897 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 1893.

Appointment  
of receiver.

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

Power to  
borrow on  
cash credit.

**54.** The Commissioners may 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 1897 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 1893 and this Act.

Application  
of clauses of  
Commis-  
sioners  
Clauses Act

**55.** 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 and 85 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 on mortgage by the Commissioners.

A.D. 1897.

1847 with respect to mortgages.

**56.** 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 Act under which such mortgages were respectively granted have priority over any mortgages granted by the Commissioners by virtue of this Act.

Existing mortgages to have priority.

**57.** If the Commissioners shall otherwise than by instalments or by or out of the sinking fund or the proceeds of the sale of superfluous lands pay off any part of the moneys which they are authorised to borrow or continue at interest they may again borrow in the manner aforesaid the part thereof so paid off at the like or any other rate of interest and so on from time to time but all moneys re-borrowed shall 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 re-borrowed and the moneys originally borrowed shall be deemed the same loan.

Power to re-borrow.

**58.** All moneys raised or to be raised by the Commissioners on mortgage under the provisions of the Belfast Water Acts 1840 to 1893 or under this Act shall have priority against the Commissioners and the property from time to time of the Commissioners over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that such priority shall not affect any claim against the Commissioners or their property in respect to 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.

Mortgages to have priority over all other claims against Commissioners.

**59.** 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 1893 and this Act to discharge or repay the same at an earlier date than the date mentioned in such mortgage for repayment.

Repayment of mortgages.

A.D. 1897.

Power to  
issue stock.

60. 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 or any part thereof which the Commissioners may decide to raise by the issue of stock.

Sinking  
fund.

61. The Commissioners shall pay off the moneys borrowed under this Act within a period of sixty years from the respective dates of borrowing the same by equal yearly or half-yearly instalments of principal or principal and interest or by means of a sinking fund appropriated for that purpose and the accumulations thereof calculated at the rate of three 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.

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.

62. The secretary of the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under the Belfast Water Acts 1840 to 1897 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 said 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 appear to the said 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 said 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 said Local Government Board. A.D. 1897.

**63.** The Commissioners may from time to time expend out of borrowed moneys within the limits of their borrowing powers such sums (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 reconstructing enlarging duplicating or adding to existing aqueducts and conduits 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 Commissioners' district of supply 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 aqueducts conduits mains pipes or fittings of the Commissioners.

Power to pay for mains pipes fittings &c. out of borrowed money.

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

Application of moneys.

**65.—(1.)** The accounts of the Commissioners up to the first day of November one thousand eight hundred and ninety-seven shall be audited in the same manner as before the passing of this Act and the accounts of the Commissioners as from and inclusive of that day shall be audited by such auditor of the accounts relating to the relief of the poor in Ireland as the Local Government Board for Ireland shall appoint for that purpose and such auditor shall with respect to the accounts of the Commissioners have the like power and be subject to the like obligations in every respect as in the case of an audit under the Local Government (Ireland) Act 1871 as amended by the Local Government Board (Ireland) Act 1872 and by any other Act or Acts and any person aggrieved by the decision of such auditor shall have the like rights and remedies as in the case of such last-mentioned audit. All the provisions of the said Acts in relation to the auditing of the accounts of towns in Ireland including those for the punishment of persons giving false evidence or neglecting to attend or give evidence at such audit or being guilty of any offence in relation thereto and with respect to allowances disallowances and surcharges and the proceedings to be taken in reference thereto and the proportion of the salary of the auditor to be charged in respect of the audit and the payment of the same shall apply to the audit of the accounts of the Commissioners and in the construction of the said provisions for the purposes of

Audit of accounts.

A.D. 1897. this Act the word "town" shall mean the Commissioners' district of supply and the expression "governing body" shall mean the Commissioners.

(2.) From and after the passing of this Act auditors shall not be nominated and appointed under section 93 of the Act of 1865 and the provisions of that Act relating to the auditing of the Commissioners' accounts by such auditors and the submission of the accounts so audited to a general meeting and the publication of an abstract thereof are hereby repealed except as to the accounts of the Commissioners up to the first day of November one thousand eight hundred and ninety-seven.

## PART VI.

### MISCELLANEOUS.

Further provisions as to recovery of rates &c.

**66.** The Commissioners may in addition to all other remedies now competent to them sue for and recover any sum or sums of money due to them in respect of rates or water supply by any person resident in the Commissioners' district of supply before the recorder of Belfast Service by any civil bill officer for the city of Belfast of a civil bill for hearing before the recorder on a person residing in the Commissioners' district of supply shall be deemed good service on proof of service at his residence in the manner prescribed by the Civil Bill Acts and the rules made in pursuance thereof.

For the protection of the Countess of Shaftesbury.

**67.** The Countess of Shaftesbury or other the owner of Belfast Castle and demesne for the time being shall be entitled to exercise and enjoy all such rights of shooting and sporting over the lands adjoining the said demesne in the townland of Ballyaghagan which may be acquired under the provisions of this Act as she now possesses or enjoys and she may also enter upon such lands by her servants and workmen for the purpose of repairing or renewing the wall of such demesne Provided that no Act shall be done or suffered by the said Countess of Shaftesbury or other the owner for the time being of Belfast Castle and demesne in the exercise of such rights whereby any pollution shall be caused to the water of the Commissioners.

Power to enter on lands temporarily.

**68.** The provisions of section 23 of the Act of 1874 as varied by section 80 of the Act of 1889 shall apply to the works by this Act authorised.

Penalty for injuring fittings &c.

**69.** Any person who shall interfere with injure remove or deface any of the Commissioners' fittings notice boards fireplug plates or



any other of the Commissioners' property shall on conviction before a court of summary jurisdiction be liable to a penalty not exceeding five pounds and in addition shall be liable to pay the cost of remedying the injury done such cost to be recoverable in the same manner as the penalty.

A.D. 1897.  
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70. All costs charges and expenses of and incident to the preparing and obtaining and passing of this Act or otherwise in relation thereto (as the same shall be taxed by the taxing officer of either House of Parliament) 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 1897.

Costs of Act.

A.D. 1897.

SCHEDULE referred to in the foregoing Act.

District.	Date of Loan.	Amount.	Annual Payment per 100 <i>l.</i> of Principal.	Rate of Interest per Annum.	Amount of Loan repaid.	Balance of Loan remaining unpaid.	Period of Loan.
		£	£ s. d.		£ s. d.	£ s. d.	Years.
Legoniel - - -	Aug. 29 1882	1,650	3 6 8	3½ per cent.	726 13 4	923 6 8	30
Legoniel (additional) - -	Aug. 6 1889	230	3 17 0	3½ per cent.	66 7 6	163 12 6	26
Greencastle and White-house.	Jan. 22 1889	3,400	2 17 2	3½ per cent.	725 15 4	2,674 4 8	35
Greencastle and White-house (additional).	Sept. 5 1893	1,000	3 6 8	3½ per cent.	100 0 0	900 0 0	30

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