CHAP. xcvi.

An Act to enable the lord mayor, aldermen, and burgesses of Dublin to enlarge and extend portions of the Dublin Corporation Waterworks; to amend the Dublin Corporation Waterworks Acts, 1861, 1863, and 1866; to construct additional filter beds; to lay down additional mains or pipes; to consolidate their powers; to confirm agreements; and for other purposes. [4th July 1870.]

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WHEREAS by "The Dublin Corporation Waterworks Act, 1861," the lord mayor, aldermen, and burgesses of Dublin (herein-after referred to as "the Corporation") were authorised to construct additional waterworks for the purpose of providing an improved supply of water from the river Vartry in the county of Wicklow to the inhabitants of Dublin and the several towns and places mentioned in the said Act, and called therein "the extra-municipal district:"

24 & 25 Vict. c. clxxii.

And whereas by "The Dublin Corporation Waterworks Amendment Act, 1863," the Corporation were authorised to abandon a portion of the works authorised by the said first-recited Act and to construct and maintain other works, and certain agreements therein mentioned were confirmed and ratified:

26 & 27 Vict. c. lxxviii.

And whereas by "The Dublin Corporation Waterworks Acts Amendment Act, 1866," the Corporation were empowered to enlarge or alter certain of the works by the said recited Acts authorised, to establish telegraphic communication between the different portions of their works, and to borrow further sums of money on mortgage, and for other purposes:

29 & 30 Vict. c. xxiii.

And whereas it is expedient that the Corporation should be enabled to enlarge or extend certain of the works by the recited Acts authorised, and to divert or vary the course of the river Vartry, and to take additional lands for those purposes; also to lay down additional mains, conduits, pipes, and apparatus in connexion with their said works for the purpose, amongst other things, of facilitating the

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supply of water to the inhabitants of the Kingstown township and other districts, and for such purposes to take additional lands, and also to take, but only by agreement, rights of way or easement in or over certain other lands and premises:

And whereas plans and sections showing the situation, line, and levels of the works proposed to be executed under the authority of this Act, and the lands through or upon which the same are to be made, with a book of reference to such plans containing the names of the owners or reputed owners, lessees, and occupiers respectively of the lands in, over, upon, through, or under which the same are intended to be constructed or laid down, have been deposited in the offices of the clerks of the peace for the counties of Wicklow and Dublin respectively, and also with the respective clerks of the poor law unions of Rathdrum and Rathdown, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas it is also expedient that the Corporation should be empowered to establish within the city of Dublin and the said extra-municipal district a better system of telegraphic communication for the purpose of fire alarm, but not to use such telegraphic communication as a means of profit or gain:

And whereas it is also expedient that the Corporation should be authorised and empowered to ratify and confirm an arrangement made or intended to be made by the Corporation with the Lords Commissioners of Her Majesty's Treasury and the Public Works Loan Commissioners for the purpose of converting the loan made to the Corporation by the said Commissioners for the construction of their waterworks into a terminable annuity, and to alter and amend the said recited Acts as to the sinking fund required by the said Acts to be set aside for the redemption of any mortgages granted under the said Acts, and to define and limit the re-borrowing powers of the Corporation, and to consolidate all moneys raised or to be raised or re-borrowed on the security of the city rates, and the income arising from the supply of water in the extra-municipal district, into one consolidated debt account as hereafter mentioned; but the several objects above stated 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,

Short title.

1. This Act may be cited for all purposes as "The Dublin Corporation Waterworks Act, 1870."

Provisions of Acts herein named incorporated.

2. "The Railways Traverse Act," and all the provisions, matters, and things contained in "The Dublin Corporation Waterworks Act, 1861," "The Dublin Corporation Waterworks Amendment Act, 1863," and "The Dublin Corporation Waterworks Acts Amendment Act, 1866," and the Acts wholly or partially incorporated therewith, shall, where the same may respectively be applicable to the objects and purposes of this Act, and are not inconsistent with the provisions hereof, be incorporated with and apply and extend to this Act, and to the objects and purposes hereby authorised and required to be effected and done, as fully and effectually as if the same provisions, matters, and things were repeated and re-enacted in this Act in reference to such objects and purposes; and the said recited Acts and this Act shall accordingly be read and construed together and form one Act; and the several words and expressions in the said Acts to which meanings are thereby assigned shall have in this Act the same respective meanings, unless such meanings shall be excluded by the subject or context.

Interpretation of terms.

Power to construct works according to deposited plans.

3. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, the Corporation may make and maintain the works, and all necessary and proper conveniences connected therewith and herein-after mentioned, in the lines and situations and upon the lands delineated on the said plans and described in the deposited book of reference, and according to the levels defined on the said sections; and may purchase, enter upon, and take by compulsion or by agreement, and use such of the said lands as shall be necessary for that purpose: Provided always, that it shall not be lawful for the Corporation without the consent of the owners thereof to purchase or take any land on the line or course of the junction pipe or aqueduct between Stillorgan and Kingstown, delineated on the said plans, if the said owners shall be willing to grant the Corporation such easement and right of way as shall be necessary for the purpose of laying and constructing and of obtaining access to, examining, regulating, cleansing, draining, maintaining, renewing, and keeping in good order, repair, and condition, under and subject to the provisions of this Act and the said recited Acts, such pipes and other works as may be required for or are incidental to the purpose of conveying water through Stillorgan Park and adjacent lands to Kingstown aforesaid.

Owners may grant easements.

4. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or release lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the Corporation in fee, either absolutely or in consideration of any yearly or other rent, any easement, right, privilege,

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power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Corporation compulsorily or by agreement, and which the Corporation from time to time think requisite for the purposes of this Act.

Application of 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. to easements.

5. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants and leases respectively of easements under this Act.

Description of works.

6. The works by this Act authorised comprise the following; (that is to say,)

1. Additional filter beds, pure water tanks, pipes, and embankments adjoining to or near the present filter beds of the Corporation, with all necessary cuttings, roads, watercourses, conduits, pipes, valves, sluices, syphons, and other works connected therewith, situated partly in the townland of Roundwood in the parish of Derrylossary and partly in the townland of Knockfadda in the parish of Upper Newcastle, both in the county of Wicklow.
2. Works to divert a portion of the river Vartry, situated immediately below the present filter beds, at the base of the main embankment of the Great Vartry reservoir in the aforesaid parishes, for a distance of about three hundred yards, and to construct a new course for the said river of about the same length in the said townland of Knockfadda and barony of Upper Newcastle.
3. To divert a public path or right of way from the filter bed side of the line of deviation to the other or outer side of the line of deviation on the western side of the lands sought to be taken by the Corporation, all in the townland of Roundwood, parish of Derrylossary and county of Wicklow.
4. To lay a line of conduit or junction pipe from a point in the main road leading from Dublin to Cabinteely about seventy yards from the gateway into David Sherlock, Esquire, Member of Parliament's demesne, situate in the townland of Stillorgan Park in the parish of Stillorgan and county of Dublin, marked A on plan and section, and passing thence through the lands of the said David Sherlock and other parties to the point marked B on plan and section about one hundred and thirty yards from the Obelisk in Obelisk Park, all situate in the townland of Stillorgan Park aforesaid, to complete a line of conduit pipe from the Corporation reservoir at Stillorgan to a point adjoining the township of Kingstown,

at or near De Vesci Lodge, Monkstown, in said county of Dublin, such conduit or pipe being intended to supply the township of Kingstown with water from the said reservoir at Stillorgan.

Limits of deviation.

7. In the construction of such works, or of any works accessary to or for the protection of the same, it shall not be lawful for the Corporation without the consent of the owners of the lands on which such works shall be situated to make lateral deviations from the lines of such works exceeding the limits of lateral deviations described and shown on the said plans.

Additional land for works.

8. The Corporation may purchase or take on lease, or by agreement, in addition to the lands delineated on the said plans and referred to in the said book of reference, any quantity of land not exceeding in the whole five acres, for the purposes of or incidental to the necessary completion and maintenance of the said works or any of them.

Powers for compulsory purchases limited.

9. The powers of the Corporation for the compulsory purchase of lands and other property shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

10. The works by this Act authorised shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for executing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

New works to form part of undertaking authorised by recited Acts.

11. The filter beds, pure water tank, pipes, and embankments, and the diversion of the river Vartry and construction of a new course for the said river, and the approaches, lands, works, and conveniences connected therewith respectively, as also the junction pipes and all apparatus and appliances connected therewith, shall be and be deemed to be for all purposes whatsoever part of the undertaking authorised by "The Dublin Corporation Waterworks Act, 1861," "The Dublin Corporation Waterworks Amendment Act, 1863," and "The Dublin Corporation Waterworks Acts Amendment Act, 1866," in the same manner as if they had originally formed part of that undertaking; and the Corporation may from time to time apply towards the purposes of this Act any sums of money applicable to such undertaking by or under the provisions of the said recited Acts or any of them.

Sections of certain township Acts to be incorporated with this Act.

12. Sections 41, 42, 43, and 44 of "The Township of Kingstown Act, 1869," and sections 43, 44, 45, 46, and 47 of "The Clontarf Township Act, 1869," shall be incorporated with and form part of this Act.

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Authority to make arrangement with consent of Lords of the Treasury with Public Works Loan Commissioners.

13. With respect to the loan, amounting in the whole to the sum of three hundred and eighty-two thousand pounds, made by the Public Works Loan Commissioners to the Corporation for the construction of their waterworks, and the payment of which loan by instalments with interest at the rate of four pounds per centum per annum is secured by mortgages issued by the Corporation under the Acts of 1861 and 1866, the Corporation are hereby authorised and empowered, with the consent of the Lords Commissioners of Her Majesty's Treasury, to enter into an arrangement with the Public Works Loan Commissioners, whereby the last-named Commissioners shall agree to accept payment of the said loan and the interest thereon by a terminable annuity not exceeding twenty thousand four hundred pounds, payable half-yearly for a period of thirty-five years, or for such other sum and period as shall be mutually agreed upon, so that the obligation incurred by the Corporation in respect of the said loan shall be satisfied by the payment of such annuity as aforesaid; and to that end, notwithstanding anything in the said Acts of 1861 and 1866 contained, the Public Works Loan Commissioners, or their secretary on their behalf, and the Corporation, may enter into and execute such deed of arrangement, or such other form of deed as may be required by the Public Works Loan Commissioners for making the existing mortgages to the Public Works Loan Commissioners available for securing the payment of such terminable annuity; and the said parties or their successors are hereby empowered and authorised to make such further or other arrangements for the satisfaction of the said loan in a lesser or greater period of time as may be required as aforesaid.

Terminable annuity to be deemed to be interest.

14. For the purposes of "the 71st section of the Dublin Corporation Waterworks Act, 1861," the whole of the terminable annuity to be made payable under the last preceding section of this Act shall be deemed to be interest on principal money borrowed, and all arrears of such annuity may accordingly be recovered by appointment of a receiver, and by mandamus, and by levying of rates pursuant to such mandamus, in like manner as provided by the said 71st section with respect to arrears of interest, except that for the purpose of recovering arrears of the said annuity under this present section of this Act the term "six months" in the said 71st section shall be read as "three months."

Sinking fund.

15. Upon and after the agreement to accept payment of such loan by such terminable annuity as aforesaid the obligation of the Corporation under the 73rd section of the said Act of 1861 and the 16th section of the said Act of 1866 to set aside a sinking fund shall cease and determine.

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As to re-borrowing.

16. And whereas the Corporation is by the seventieth section of the said first-recited Act empowered to re-borrow any of the moneys which they shall have repaid, it is enacted that the Corporation shall not re-borrow any of the money satisfied by such terminable annuity as aforesaid. When and so soon as the aforesaid arrangement for the conversion of the said loan into the said terminable annuity shall have been completed, all sums raised or to be raised or re-borrowed on the security of the city rates or of the income payable out of the extra-municipal district shall be consolidated into one account or fund, to be called "The Waterworks Fund of the Dublin Corporation;" and the income derived from or to be derived from the extra-municipal district, or from any other districts outside the city, and not included in the extra-municipal district, shall, after such consolidation, be dealt with in all respects as a contract rate in the same manner as if it were a contract rate payable within the municipal districts; and the said income consolidated with the city rates and contract rate shall form one consolidated fund, which consolidated fund shall be available for the payment of the interest and principal of the loans raised upon the security of the city rates and of the loans raised upon the security of the extra-municipal income; and the said consolidated fund or waterworks fund shall be one fund, and be applicable to all the purposes of this Act and the Acts of 1861, 1863, and 1866 incorporated herewith; and all mortgages heretofore issued or to be issued by the Corporation hereafter under the said Acts or any of them, or under this Act, for any sums to be borrowed or re-borrowed under the said Acts, shall be secured upon the security of such consolidated fund; and all the provisions contained in the seventy-first section of the said Act of 1861 shall apply as well to the terminable annuity aforesaid as to all moneys borrowed or re-borrowed, or to be borrowed or re-borrowed, on such consolidated fund; and all mortgages issued or to be issued by the said Corporation on the security of the said city rates or extra-municipal income shall be a charge upon the said consolidated fund as if originally issued on the security of such consolidated fund under the provisions of this Act: Provided always, that nothing herein contained shall prejudice or diminish the rights or remedies of the holder of any mortgage issued under the said recited Acts or any of them; and provided also, that no greater sum shall be so secured by mortgage than the aggregate sum authorised to be raised or levied under the provisions of the before-recited Acts.

Power to lay down and maintain improved system of

17. The Corporation may lay down and maintain within the city of Dublin, and the extra-municipal district in the said first-recited Act mentioned, a proper and approved system of telegraphic communication between their several fire brigade stations and the police

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telegraphic communication; but not for the purpose of profit or gain.

stations, and other points of the municipality, and may set up poles and all other necessary apparatus and appliances for the purpose; and may contract and agree with individuals or public bodies or persons to construct and maintain telegraphic communication between their respective offices and places of business and the office of the Corporation for the purpose of fire alarm without as well as within the city, but so as that such telegraphic communication shall not be used for the purpose of transmitting messages for profit or gain.

Power to contract with persons residing outside the *municipal* district for a supply of water.

18. The Corporation may contract with parties or persons residing outside the municipal or extra-municipal districts for a supply of water to them or any of them on such terms as may be agreed on, and such contract or agreement need not be under seal, but shall come within the intent and meaning of the "Contract Water Rate" in the first-recited Act mentioned, and as such shall be paid to and collectable by the collector-general of rates, with like powers for the recovery thereof as are in and by the said Acts, or the Collection of Rates Act, in that behalf particularly provided; and so far as may be necessary for such purpose the Corporation may exercise the powers conferred on undertakers by "The Waterworks Clauses Act, 1847."

As to rights for prevention of waste, &c.

19. The Corporation shall have the same or the like powers, rights, and remedies for the prevention of fouling or the contamination of the water in any extra-municipal district or outside the municipal boundaries as are provided or prescribed in or by the said Act of 1861, or any Act incorporated therewith or amending the same; and it shall not be lawful for any body corporate, public body, or other persons to whom water shall be supplied by the Corporation outside the municipal district to supply such water or permit the same to be used for sale, or for any save domestic uses or the public purposes of the township or district, or to any person or persons save the inhabitants or occupiers of such township or district liable to be assessed to and pay the general rates of such township or district.

Corporation shall not increase rates.

20. Nothing in this Act contained shall empower or authorise the Corporation to increase the rates payable under the said recited Acts or any of them.

Expenses of Act.

21. All costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Corporation out of the rents or income arising from the supply of water to the said borough of Dublin, and to all and every of the said extra-municipal and other districts or places.

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