



CHAP. cxxxv.

An Act to authorize the Mayor, Aldermen, and Burgesses of the Borough of Bradford in the West Riding of the county of York to construct new Waterworks; and for other purposes. A.D. 1869.
[26th July 1869.]

WHEREAS by "The Bradford Waterworks Act, 1854," the Bradford Waterworks Company were re-incorporated for supplying water within the limits of that Act, and for maintaining their then existing waterworks, and for making and maintaining additional waterworks: 17 & 18 Vict.
c. cxxiv.

And whereas by "The Bradford Corporation Waterworks Act, 1854," (in this Act called "the Corporation Act of 1854,") the mayor, aldermen, and burgesses of the borough of Bradford (in this Act called "the Corporation") were authorized and required to purchase, and the Bradford Waterworks Company were authorized and required to sell, the Company's waterworks, and the Corporation were empowered to borrow not exceeding in the event of the said purchase four hundred and fifty thousand pounds, and to demand rates for the supply of water, and to levy a public water rate: 17 & 18 Vict.
c. cxxix.

And whereas the Company's waterworks were accordingly sold to and purchased by the Corporation and became and are vested in them, and the Company have ceased to exist:

And whereas by "The Bradford Corporation Waterworks Amendment Act, 1855," (in this Act called "the Act of 1855,") the Corporation were authorized to levy a separate water rate in the nature of a borough rate, to be applicable to the payment of the monies by the Corporation Act of 1854 authorized to be borrowed and the interest thereof: 18 & 19 Vict.
c. clii.

And whereas by "The Bradford Corporation Waterworks Act, 1858," the limits for the supply of water were extended, and the Corporation were authorized to make and maintain additional waterworks, and to borrow further monies not exceeding two hundred thousand pounds, and further provision was made with respect to 21 & 22 Vict.
c. lxxvi.

A.D. 1869. the public water rate and separate water rate authorized by the Corporation Act of 1854 and the Act of 1855 :

25 & 26 Vict.
c. xviii. And whereas by "The Bradford Waterworks Act, 1862," (in this Act called "the Act of 1862,") the limits for the supply of water were further extended, and were declared to be the borough of Bradford and the several townships and places of Burnsall, Addingham, Draughton, Silsden, Morton, Denholme, Wilsden, Thornton, Clayton, Allerton, Heaton, Wibsey, North Bierley, Tyersall, Pudsey, Eccleshill, Calverley-with-Farsley, Bolton, Keighley, Shipley, Windhill, Idle, Apperley, Tong, Hunsworth, Gomersall, and Cleckheaton, all in the West Riding of the county of York ; and the Corporation were authorized to borrow further monies not exceeding one hundred thousand pounds, and to levy a general water rate in lieu of the public water rate and the separate water rate respectively authorized by the Corporation Act of 1854 and the Acts of 1855 and 1858 respectively, with a provision that the general water rate should not exceed by more than threepence in the pound the amount of the separate water rate, if that rate had continued to be levied :

29 & 30 Vict.
c. ccxxii. And whereas by "The Bradford Corporation Act, 1866," the time for the completion of the waterworks authorized by the said Acts of 1854 and 1858 was extended :

31 & 32 Vict.
c. cxl. And whereas by "The Bradford Waterworks and Improvement Act, 1868," (in this Act called "the Act of 1868,") the limits for the supply of water were extended so as to include the several townships and places of Shelf, Liversedge, Drighlington, and Gildersome, all in the said West Riding, and the Corporation were authorized to make and maintain additional waterworks, and to borrow further monies not exceeding two hundred thousand pounds for the purposes of waterworks :

And whereas the trade and population within the districts of the water supply of the Corporation, which can only be supplied by the supply known as the high-level service supply, have of late years greatly increased and are still increasing, and the present high-level service supply of water is inadequate in quantity, and an increased high-level service supply of water is necessary for the wants of the inhabitants and for the extinguishment of fires, and in and by the preamble of the Act of 1868 the want of such increased supply of water for the high-level service is stated and acknowledged, but no provision is made in the said Act for securing or obtaining such additional supply of water or any new sources of supply, and it is expedient that the Corporation be empowered to extend their waterworks and to obtain an additional supply of water, and for those purposes to make and maintain additional waterworks by this Act authorized :

And whereas plans and sections of the intended waterworks showing the lines and levels thereof, and plans showing the lands which are intended to be purchased and taken for the purposes of this Act, with a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands respectively, have been deposited with the clerk of the peace for the West Riding of the county of York, which plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference :

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And whereas the reservoirs shown on the deposited plans are named thereon as follows ; that is to say, Stairs reservoir, Leeshaw reservoir, Leeming reservoir, and Shady Bank reservoir, and the same are in the Act referred to by the same respective names :

And whereas it is expedient that the Corporation be authorized to borrow further monies for the purposes of their waterworks and for the other purposes of this Act :

And whereas the objects of this Act cannot be attained 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,)

1. This Act may for all purposes be cited as "The Bradford Waterworks Act, 1869." Short title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," except the provisions thereof "with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit," and "The Waterworks Clauses Act, 1863," shall (except where expressly varied by this Act) be incorporated with and form part of this Act. General Acts herein named incorporated.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and in this Act and the Acts wholly or partially incorporated therewith the expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Bradford in the county of York ; the expression "the borough" shall mean the borough of Bradford in the county of York ; the expression "the undertakers" or "the promoters of the undertaking" shall mean the Corporation ; the expression "superior courts" or "court of competent jurisdiction," Interpretation of terms.

A.D. 1869. — or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute; the expression "the town clerk" shall mean the town clerk for the time being of the borough of Bradford; the word "mill" shall mean a mill, manufactory, or other building used for manufacturing purposes; the expression "the millowners" shall mean the several owners, lessees, and occupiers of mills, manufactories, and works now erected or which may hereafter be erected on the springs, streams, and waters authorized to be taken and diverted by the Corporation, or on any other stream or river into which the same may directly or derivatively flow; the expression "the Worth millowners" shall mean the owners, lessees, and occupiers of all such of the said mills, manufactories, and works as are now or hereafter may be situated upon the river Worth or one of its tributaries and affected by the taking of the water; and the expression "compensation reservoirs" shall mean the works described in the deposited plans and sections as the work No. 2 and No. 4.

Provisions of recited Acts as to waterworks to extend to this Act.

4. Such of the powers and provisions of the recited Acts relating to the construction of waterworks and the taking and user of land for the purposes thereof, the supply of water by the Corporation, the protection of the waters and waterworks of the Corporation, the prevention of waste of water, the dealing summarily with persons wrongfully wasting water, the opening of streets and laying down of mains, pipes, apparatus, and works for supplying water within the Corporation limits of supply, the levying and recovering of rates, rents, and charges, and the application of penalties as are in force at the passing of this Act, and are not repealed or varied by this Act, shall extend and apply to this Act and to the waterworks by this Act authorized, and the supply of water therefrom, as if they were waterworks by the recited Acts respectively authorized to be executed within the period limited for completion of the waterworks by this Act authorized.

Power to make waterworks.

5. Subject to the provisions of this Act, the Corporation may make and maintain the waterworks shown on the deposited plans and sections in the lines, upon the levels, and upon the lands delineated on the deposited plans and sections, and described in the deposited book of reference, and for those purposes may enter upon, take, and use such of those lands as shall be necessary for the purposes of this Act; and may impound, take, and divert the water of the several streams called or known as Leeshaw Water, Dry Clough, Wetherhill Clough, Spa Hill Clough, Carr Grough Bond Clough, Green Holes Clough, Red Sea, Deep Dyke, Sun Hill Clough, Holden Clough,

Rag Clough Beck, Hardnese Clough, Paul Clough, Nan Scar Beck, Great Clough, Little Clough, Harden Clough, Stony Hill Clough, Foster Dyke, Doll Clough, and Midge Holme Beck, and all other springs, streams, and surface and other waters on the said lands.

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6. The Corporation in constructing the works by this Act authorized may make lateral deviations from the line of such works not exceeding the limits of deviation shown on the deposited plans, and may deviate from the levels of the reservoirs to any extent not exceeding three feet, and of other works as delineated on the deposited sections to any extent not exceeding five feet.

Lateral and vertical deviations.

7. If on the completion of the said works hereby authorized there shall not remain or flow to and through any lands or fields situated below the points where the several streams are proposed to be diverted which now have or enjoy a frontage thereto and are watered thereby, such a quantity of water as may be necessary for domestic or agricultural purposes, the Corporation shall and they are hereby required, whenever it may be practicable so to do, to furnish from time to time and at all times so much water as may be necessary for such purposes, free from all rates, costs, and charges in respect of such water, and to lay down at their own cost all such pipes, conduits, troughs, cisterns, taps, and apparatus as may be requisite for conveying and continuing the same; and in case the same shall not be practicable, then the Corporation shall pay to the owners and occupiers of such lands full compensation for the loss and injury they may respectively sustain by reason of such diversion of such water.

Protection of landowners entitled to water for domestic or agricultural purposes.

8. A map signed by the town clerk on behalf of the Corporation and by Messrs. Wright and Waterworth on behalf of the Worth millowners, and whereon are distinguished (by yellow and pink colours) the area of gathering ground the waters from which are to be appropriated by the Corporation, called "the appropriated areas," and (by blue and green colours) the area of gathering ground the waters from which are to be applied to the supply of the compensation reservoirs, called "the compensation areas," shall be deposited in duplicate, one copy thereof with the clerk of the peace for the West Riding of the county of York, and another copy thereof with the said Messrs. Wright and Waterworth on behalf of the Worth millowners, who shall respectively permit any person to inspect the same within the usual office hours on payment of one shilling, and a copy or copies thereof duly certified by the said clerk of the peace shall be evidence.

Plan of appropriated and compensation areas to be deposited.

9. It shall be referred to John Frederick Bateman, Esquire, to define the boundary between the natural watershed of the streams

Boundary of waterworks de-

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fined by J.
F. Bateman,
Esq.

and waters which the Corporation are by this Act authorized to take, and the natural watershed of the streams and waters which the mayor, aldermen, and burgesses of the borough of Halifax are entitled under any Act or Acts of Parliament to take, and the costs incident to such reference shall be paid by the two Corporations in equal moieties.

Millowners
meetings.

10. All the clauses and provisions contained in the schedule to this Act shall have effect as if they had been set forth and enacted in the body of this Act, and meetings of the Worth millowners shall from time to time be held for purposes of this Act, subject and according to such clauses and provisions; and anything to be done under this Act by the Worth millowners collectively shall be done at meetings so held.

Worth mill-
owners may
make rules as
to flow of
water into and
from compensa-
tion reservoirs.

11. The Worth millowners may from time to time make and alter rules for regulating the flow of water into and from the compensation reservoirs or either of them.

When com-
pensation
reservoirs
completed
town clerk
to convene a
meeting of
Worth mill-
owners to
make rules.

12. After the compensation reservoirs and other works connected therewith have been completed and certified as herein-after mentioned, and before the Corporation shall in any manner divert or appropriate any of the springs, streams, and waters of the said appropriated areas, the town clerk shall convene a meeting of the Worth millowners for the purpose of enabling them to make such rules as aforesaid.

Corporation
to make and
maintain
compensa-
tion reser-
voirs and
other works.

13. The Corporation shall according to the deposited plans make and complete and at all times thereafter maintain the Leeming reservoir of a capacity sufficient to contain above the level of the discharge pipe therefrom not less than nineteen million one hundred and seventy-five thousand cubic feet of water, and the Leeshaw reservoir of a like capacity above the level of the discharge pipe therefrom of nineteen million one hundred and seventy-five thousand cubic feet of water; and shall also according to the deposited plans make and complete and at all times thereafter cleanse and maintain the conduit called work No. 3 on the deposited plans of a form, level, and capacity sufficient to collect and convey all the springs, streams, and surface waters of the said compensation area coloured blue which can be intercepted thereby into the Leeming reservoir; and the conduit called work No. 5 on the deposited plans of a form, level, and capacity sufficient to collect and convey all the springs, streams, and surface waters of the said compensation area coloured green which can be intercepted thereby into the Leeshaw reservoir; and shall also make and complete and at all times thereafter maintain suitable and convenient discharge pipes, valves, gauges, weirs,

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and other works for the same reservoirs and conduits; and the Corporation shall not, except with the consent in writing of the Worth millowners, or for the purpose of filling the compensation reservoirs, use, divert, or interfere with any of the springs, streams, or waters of the appropriated areas unless and until the Corporation shall have made and completed such compensation reservoirs and other works, and unless and until it be certified by some member of the Institution of Civil Engineers to be appointed by the Corporation and the Worth millowners, or if they cannot agree, then by the president for the time being of the said institution, that such compensation reservoirs of the capacities aforesaid, conduits of the form, level, and capacities aforesaid, and other works have been made and completed by the Corporation; and the Corporation before applying for such certificate shall give ten clear days notice in writing to the Worth millowners of such intended application, to the intent that the millowners may, if they think fit, appear and be heard thereupon before such engineer.

14. If the Worth millowners fail to make such rules as aforesaid at their first meeting or at the first adjournment thereof, or in case a quorum shall not be present within two hours from the time fixed for such meeting or adjourned meeting, then the Corporation (having obtained the certificate aforesaid of their having fully completed the said compensation reservoirs and other works connected therewith in manner aforesaid) may thereupon and thenceforward divert and appropriate for the purposes of this Act the springs, streams, and waters of the said appropriated areas in the same manner as if such meeting had been regularly held.

Corporation may divert waters of appropriated area if millowners fail to make rules.

15. If the Corporation construct and always maintain the compensation reservoirs of the capacities aforesaid, and the conduits aforesaid of the respective forms, levels, and capacities aforesaid, and all and every other the works connected therewith, in proper order and condition, then the same shall be taken by the millowners as full compensation for the diversion and appropriation of all the springs, streams, and waters arising and flowing within the appropriated areas, and for all the rights and interests of the millowners therein.

Compensation reservoirs to be full compensation.

16. The Corporation shall from time to time make full compensation to the millowners and to every other person for all damage and injury, losses, and expenses whatsoever (if any), as well immediate as consequential, which they respectively from time to time incur or suffer by reason of the bursting or giving way of any of the reservoirs, conduits, embankments, watercourses, or other works by this Act authorized, and such compensation shall be charged upon

Corporation to make compensation for all damages consequent on the bursting of any reservoir.

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Millowners may inspect compensation works.

17. The millowners, by themselves and by their agents and servants, and every officer appointed by the Worth millowners, shall at all times have free access to the said compensation reservoirs and other works connected therewith, and the means for such access shall be obtained and secured for the persons entitled thereto under this Act by the Corporation.

Protection of Worth millowners.

18. The Corporation shall from time to time appoint a proper person as superintendent for the compensation reservoirs, with a competent salary to be paid by the Corporation, for the protection and management of the same, who shall at all times reside in a dwelling house to be built or provided near to one of the said compensation reservoirs, and who shall draw up and put down and otherwise manage and regulate the cloughs, sluices, valves, weirs, gauges, and other works, and mete out the water from such reservoirs according to rules to be drawn up for the purpose by the Worth millowners as aforesaid.

Compensation reservoir superintendent to keep register.

19. Every person to be from time to time appointed as superintendent of the compensation reservoirs shall keep in a book to be provided by the Corporation for that purpose an accurate daily register showing the height of water in each of them respectively, and the flow or discharge of water thereinto and therefrom respectively; and such register shall be open to the inspection of the millowners or any of them, or of any party duly deputed by them or any of them, at all reasonable times; and on Monday in each week a certified copy or abstract of such register for the preceding week shall be delivered or forwarded by post in a letter by such superintendent to the secretary or clerk of the Worth millowners, or to such other person as they shall from time to time appoint.

Corporation may draw off water to enable them to repair or maintain compensation reservoirs.

20. The Corporation may draw off the water from either of the compensation reservoirs whenever it shall be necessary for the purpose of repairing, cleansing, or otherwise maintaining the same or any work connected therewith, and shall use all convenient speed in completing their operations in that behalf, and make full compensation to the millowners and others for any loss or damage thereby sustained by them, the amount whereof in case of dispute shall be determined by arbitration.

Difference as to the repair or maintenance of compensation

21. If the Corporation and the Worth millowners shall at any time differ in opinion as to the condition or maintenance of the said compensation reservoirs and other works connected therewith, or

any of them, such disputes shall from time to time be settled by arbitration.

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reservoirs to be settled by arbitration.

Corporation to pay rates of compensation reservoirs.

22. All rates, assessments, and impositions, parochial or otherwise, at any time imposed upon the said compensation reservoirs and other works connected therewith or any of them, or upon any dwelling house provided for the residence of the superintendent of the compensation reservoirs, shall be borne by the Corporation, who shall reimburse and indemnify the person who may be actually rated in respect thereof, and of all expenses attending or consequent on the rating or payment of rates.

23. The Corporation shall not divert, abstract, or interfere with any spring, stream, or surface water arising or flowing within the compensation areas, or within or into or contained in the compensation reservoirs or either of them, so as to injure or prejudice the millowners or to deprive them of the full benefit of the compensation intended to be provided for them by this Act.

Waters of compensation area not to be interfered with.

24. The expenses of the first meeting of the Worth millowners for making rules and of one adjournment thereof (if there be such an adjournment), and the expenses of all other meetings convened by the town clerk for considering any alterations therein proposed by the Corporation, the costs of every arbitration with respect to such rules, the costs and expenses of or consequent on any application for any other purpose connected with the compensation reservoirs or with the supply of water therefrom, or otherwise howsoever in relation thereto, shall be borne and paid by the Corporation, except the costs of any application to justices under the provision contained in sections numbered two to eleven inclusive of the "Waterworks Clauses Act, 1863," with regard to which the provisions of those sections shall apply.

Expenses of Worth millowners.

25. The Worth millowners may sue and be sued in the name of their clerk.

Proceedings of Worth millowners.

26. Before the Corporation shall take, obstruct, disturb, or divert the road used by James Hanson Charnock numbered 279 on the deposited plans, the Corporation shall make a good and sufficient road in substitution thereof from the point marked A to the points marked B and C according to a plan signed by the Right Honourable Thomas Emerson Headlam and to be deposited with the clerk of the peace for the West Riding of the county of York, such road to be constructed on lands to be purchased by the Corporation under the authority of this Act with proper side walls and drains, and shall at all times maintain the same in good condition; and in the event of any dispute arising as to the sufficiency or maintenance of such road

For protection of road used by James Hanson Charnock.

A.D. 1869. or works, or any part thereof, the same shall be determined by two justices, and such justices shall have full power to make such order as they may think fit relative to the matters aforesaid, and the Corporation shall be bound in all things to obey any order made as aforesaid.

For protection of property of James Hanson Charnock.

27. If in the construction of the works by this Act authorized the Corporation shall take, use, or interfere with any portion of the field belonging to James Hanson Charnock numbered 44 on the deposited plans, in the township of Haworth in the parish of Bradford, or with the springs of water flowing therefrom to the lands and premises of the said James Hanson Charnock called Lower Isle and Farther Isle, or divert any of the waters of the stream or water-course from such springs to the said lands and premises, compensation shall be made for any loss or injury occasioned thereby.

Reservation of rights of fishing and fowling to the lord of the manor of Oxenhope.

28. The rights of fishing, fowling, and sporting in and over the intended reservoirs to be called the Stairs reservoir, Leeshaw reservoir, and the Shady Bank reservoir, within the manor and hamlet of Oxenhope, are hereby reserved to Sir Henry Edwards, Baronet, M.P., Samuel Waterhouse, Esquire, M.P., and Frederick William Cronhelm, Esquire, or other the lord or lords for the time being of the said manor of Oxenhope, with liberty for them, their heirs or assigns, to keep one boat on each of those reservoirs, and to erect a boathouse at some convenient place upon the banks of each of those reservoirs for the covering and protection of such boat: Provided nevertheless, that such rights, powers, and authorities shall not be exercised so as to foul the water of the reservoirs, and shall not in anywise interfere with the rights, powers, and authorities of the Corporation at all times to draw off the water from the said reservoirs, and to do all such acts, matters, and things whatsoever as may be necessary for cleansing and repairing the said reservoirs and works connected therewith, and for preventing the water therein from being fouled, or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

For the protection of George Lane Fox.

29. The Corporation shall, upon the request of George Lane Fox, Esquire, his heirs or assigns, furnish a sufficient supply of water for domestic and other purposes from any of their conduits now existing or hereafter to be made to the estates of the said George Lane Fox through which any of such conduits pass, and the supply of water shall be made on the same terms and in the same manner as the Corporation now supply water within their district; and in case of any dispute as to the works or the mode of executing the same, such dispute shall be settled by arbitration in the usual way.

30. Nothing in this Act contained shall authorize the Corporation in the execution of the work No. 13 on the deposited plans by this Act authorized, or in the execution of any other work within the limits of deviation of the line of work No. 13 shown on the deposited plans, to injure any springs rising on or divert or diminish the water flowing on, over, under, through, or into any of the lands belonging to Jonathan Knowles, Jonathan Knowles the younger, and George Knowles, or any or either of them, herein-after called Messrs. Knowles, and situate at or near to Denholm Gate in the township of Thornton in the parish of Bradford. In case of any difference arising touching any claim in respect of any such injury, diversion, or diminution, the same shall be determined by two engineers, one to be appointed by the Corporation and the other by Messrs. Knowles or the owners for the time being of their estates or of such part thereof as shall be prejudicially affected; or in case of disagreement, by a third engineer as umpire, who shall be named by the two first-mentioned engineers before entering upon the business referred to them; if the referees or umpire shall consider that any such injury, diversion, or diminution shall have been occasioned by any such works as aforesaid, the Corporation shall and they are hereby required at their own expense, toties quoties, forthwith to provide for Messrs. Knowles, their tenants, assignees, or occupiers of the said lands, and the brewery works, dwelling houses, farm buildings, and premises standing on parts of such lands, an equal supply of good and wholesome water in lieu of the said springs and water so injured, diverted, diminished, or taken away as aforesaid; and the Corporation shall at their expense convey the same into and upon the estates of Messrs. Knowles, the mode and place in and to which such water shall be conveyed to be in the discretion of the said referees or umpire, who shall also have power to award a sum of money to be paid by the Corporation to Messrs. Knowles, or the owners for the time being of their estates, their tenants or assignees, in respect of damages sustained by them up to the time of the decision of the referees or umpire. The award or awards of such referees or umpire shall be binding upon the parties, and all costs, charges, and expenses of the reference shall be paid by the Corporation; but if the referees or umpire shall determine that no such injury, diversion, or diminution has been occasioned as aforesaid, it shall be in the discretion of the said referees or umpire to award to the Corporation such costs as they or he may deem reasonable against the said Messrs. Knowles or either of them, or the owner for the time being as aforesaid. Nothing in this Act contained shall prevent Messrs. Knowles from at all times laying down, repairing, and examining any drains, pipes, mains, and other communications

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For protection of the property of Messrs. Knowles.

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under, over, across, or by the side of any of the works to be constructed by virtue of this Act in, to, through, between, or adjoining to lands of Messrs. Knowles, or in any road adjoining the same; and they shall be at liberty from time to time to enter upon and break up the lands of the Corporation for the purposes aforesaid, provided that no damage shall be caused to the works hereby authorized by such laying down, breaking up, repairs, and examinations; and if any difference shall arise in respect of any of such acts, or of any alleged damage as arising therefrom, the same shall be referred to arbitration in the same manner as herein-before mentioned with respect to claims made by Messrs. Knowles, with liberty to award costs to either party.

Corporation may not send water into Hewenden Valley when Stubden reservoir is full.

Power to inspect the Stubden reservoir, &c.

Period for compulsory purchase of land.

Period within which works to be completed.

Notice to be given of taking houses of labouring classes.

Power to borrow.

31. It shall not be lawful for the Corporation to discharge any water authorized to be taken under this Act into the valley of the Hewenden Beck below their Stubden reservoir.

32. Any owner or occupier of property on the banks of the Hewenden Beck may, by themselves, their agents or servants, at all reasonable times inspect the Stubden reservoir and the works connected therewith.

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

34. If the waterworks by this Act authorized and shown on the deposited plans, except works for the distribution or supply of water, shall not be completed within ten years from the passing of this Act, then on the expiration of that period the powers of the Corporation under this Act for making the waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as are then completed.

35. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Corporation shall not take any such houses until they have obtained a certificate of a justice that it has been proved to his satisfaction that the Corporation have made known their intention to take the same in manner herein-before required.

36. In addition to the monies which the Corporation are already authorized to borrow on mortgage, the Corporation may from time to time borrow on mortgage for the purposes of the waterworks

authorized by this Act, on the security of the water rents and water rates by the recited Acts or any of them and this Act respectively authorized, and of the borough fund and borough rate of the borough, any sums not exceeding in the whole one hundred and fifty thousand pounds.

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37. The several powers and provisions of the recited Acts now in force with respect to the borrowing of monies at interest by the Corporation for the purposes of those Acts or any of them, and the reborrowing of monies, and the securities to be given for monies borrowed and interest thereon, and the payment of such interest by coupons, and the granting of annuities, and the appointment of a receiver shall extend and apply to the monies borrowed under this Act and the interest payable thereon as if those monies were part of the monies by the recited Acts authorized to be borrowed by the Corporation; and the provisions contained in the Act of 1868 as to providing a sinking fund with respect to monies authorized to be borrowed under that Act for the purposes of waterworks shall extend to the monies authorized to be borrowed under this Act as fully and effectually as if the borrowing of such last-mentioned money had been authorized by the Act of 1868.

Provisions of recited Acts as to borrowing to apply to monies borrowed under this Act.

38. All mortgages granted by the Corporation before the passing of this Act, in pursuance of any Act of Parliament subsisting at the passing of this Act, shall during the continuance thereof have priority over all mortgages and annuities granted under this Act.

Priority of existing mortgages.

39. All expenses and other monies by this Act directed to be charged upon or paid out of the borough fund and borough rate of the borough, and all monies borrowed under this Act on the credit of the borough fund and borough rate, and the interest thereon, shall be charged upon and be raised by and paid and satisfied out of the borough fund and borough rate of the borough as if the same were expenditure necessarily incurred in executing with reference to the borough the Act of the 5 & 6 Will. IV. c. 76., for the regulation of municipal corporations in England and Wales: Provided always, that as regards all rates to be laid for all or any of the purposes of this Act the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, and of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and of any land covered with water or used only as a canal or towing-path, and the owner of any tithes or tithe commutation rentcharge, shall be assessed to such rates in respect of the same in the proportion of one fourth part only of the net annual value thereof.

Expenses charged on borough fund to be deemed expenses under Municipal Acts.

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Saving
rights of
Corporation
as to borrow-
ing, rebor-
rowing, &c.

40. Provided always, that this Act or anything therein shall not take away, lessen, or prejudice any right or power which, irrespective of this Act, the Corporation from time to time may exercise with respect to the borrowing and reborrowing of monies, and the paying off, redeeming, satisfying, or discharging at any time of any principal sum or annuity being under the recited Acts and this Act, or any of them, a debt from the Corporation or a charge on the borough rate or borough fund, or on any property of the Corporation or any rates or rents of the Corporation.

Saving other
powers of
Corporation
for selling,
&c. corporate
estates.

41. This Act shall not take away, lessen, or prejudice any power of the Corporation irrespective of this Act with respect to selling, exchanging, mortgaging, leasing, or otherwise alienating or disposing of their corporate estates or any part thereof, or of borrowing money.

Saving
rights of
Corporation.

42. Except as by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Corporation in their capacity either of a municipal corporation or of a local board of health.

Repeal of
certain
powers of the
Corporation.

43. So much of the third section of "The Bradford Waterworks Act, 1862," as relates to the township of Keighley is hereby repealed.

Expenses of
Act.

44. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation hereto, shall be paid by the Corporation, and shall be debited by them to the water account and to the borough fund and borough rate of the borough in such proportions as they deem just.

The SCHEDULE to which the foregoing Act refers.

A.D. 1869.

1. A meeting of the Worth millowners may be convened by the town clerk or any three Worth millowners by notice or letter, signed by the person or persons calling the same, being sent by post in a registered letter to each Worth millowner at his last known place of abode or at his mill, and inserting a copy of that notice or letter once in the Leeds Mercury and Yorkshire Post or two other leading newspapers published at Leeds.

2. Every such notice or letter shall state the time and place of the intended meeting and the object for which it is to be held, and shall be sent and advertised not less than seven days and not more than fourteen days before the time fixed for the meeting.

3. The town clerk shall at any time convene a meeting when required to do so by any three Worth millowners by requisition in writing under their hands.

4. In the case of a partnership or of two or more persons being interested in a mill any notice or other document by these regulations required to be sent shall be deemed to have been duly sent if it has been addressed to the partnership by the name under which they trade or (as the case may be) to the persons who are reputed to be the owners, lessees, or occupiers of the mill.

5. All meetings shall be held at Keighley.

6. The quorum of a meeting shall be three Worth millowners interested in at least three distinct mills.

7. Resolutions and decisions of a meeting shall be determined by a majority of votes, and when so determined shall be as valid and effectual as if all the millowners entitled to attend the meeting had agreed therein.

8. A meeting may be adjourned from time to time and from place to place, but the business to be transacted at a meeting shall not, where the rights and privileges of the Corporation may be affected by delay, be, without the consent of the Corporation, postponed over more than one adjournment, nor shall such one adjournment be for more than three weeks.

9. At the first meeting there shall be entered in a book provided by the Corporation for that purpose the names of the several Worth millowners and of the mills of which they are respectively owners, lessees, or occupiers, and also the number of votes to which each of them may be entitled.

10. At every meeting the person present entitled to the largest number of votes shall be chairman, unless he declines, in which case another Worth millowner present and entitled to vote shall be appointed chairman by the meeting, and the chairman for the time being shall have a casting vote in addition to his ordinary vote or votes.

A.D. 1869.

11. Every Worth millowner present at a meeting and entitled to vote shall have one vote on any proceeding or question in respect of every entire foot of head or fall of water of or belonging to each mill in respect whereof he is entitled to vote.

12. The Corporation shall not by virtue of any alleged interest in any mill be entitled to vote at a meeting.

13. Votes at meetings shall be given as follows; namely,

The vote or votes in respect of each mill shall be given by the occupier thereof if present:

If the occupier is not present then by the lessee thereof if present:

If neither occupier nor lessee is present then by the owner thereof if present:

But where several joint occupiers, lessees, or owners are present, one only of them shall vote on behalf of all of them, and if they do not agree as to their vote it shall not be received.

14. The Worth millowners may from time to time appoint and remove from office a clerk, secretary, and other officers.

15. The town clerk may attend at every meeting convened by him, and there shall be entered into proper books to be provided by the Corporation full minutes of all resolutions come to at each meeting and of all other proceedings thereat, and the minutes of each meeting shall be signed by the chairman thereof, and the minute book shall be kept in duplicate, and both shall be signed by the chairman and considered as originals, and one thereof shall be kept by the town clerk and the other by the clerk to the Worth millowners; and the minutes when so signed shall be evidence in all courts and elsewhere without proof of the meeting being duly convened and held, or of the persons present thereat being Worth millowners entitled to vote thereat, or of the signature of the chairman, all of which shall be presumed unless and until the contrary be proved.

16. Notices to be served by the Worth millowners shall be sufficient if signed by any three of them or by their clerk for the time being by order of any meeting.

17. The rules for regulating the flow of water into and from the compensation reservoirs made by the Worth millowners or determined by arbitration shall be printed by the Corporation, and one of the prints shall be posted up in a convenient place in or near to the dwelling house of the superintendent of the compensation reservoirs, and one of such prints shall be forthwith (or as soon thereafter as may be) sent by post in a letter by the town clerk to each Worth millowner.

18. If the Corporation object to any rules made by the Worth millowners they may (whether such rules have been put in force or not) give notice in writing to each of the Worth millowners that they object thereto, stating the grounds of their objection and the alterations which they desire, and thereupon the town clerk shall convene a meeting of the Worth millowners to consider the objections of the Corporation.

19. If any difference arises between the Corporation and the Worth mill-owners assembled in meeting, the same shall be determined by arbitration.

20. The arbitrator or arbitrators or umpire may alter any rules for the time being in force, and every such alteration shall be communicated by him or them to the Corporation and to the clerk to the Worth millowners.

21. Where anything is by this Act expressly or by these regulations directed to be determined by arbitration between the Corporation and the Worth mill-owners, then the Worth millowners at a meeting may agree with the Corporation in the appointment of a competent person as single arbitrator, or may appoint some disinterested person to act as arbitrator on their behalf along with an arbitrator to be appointed by the Corporation.

22. Where anything is by this Act expressly or by these regulations directed to be determined by arbitration, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall by writing nominate and appoint an arbitrator.

23. Where more than one arbitrator shall have been appointed, such arbitrators shall, before proceeding with the reference, appoint another person to act as umpire between them.

24. If the parties do not agree in the appointment of a single arbitrator, or either of them does not within twenty-one days after being required to do so appoint an arbitrator to act on their behalf, then a single arbitrator may be appointed by the Board of Trade on the application of either party, with seven clear days notice to the other of the time of application, such arbitrator being some disinterested civil engineer.

25. If two arbitrators appointed do not within twenty-one days after the appointment of the last of them appoint an umpire, then, on the application of either party, with seven clear days notice to the other of the time and place of application, two justices in petty sessions may appoint an umpire.

26. The arbitrator or arbitrators shall enter on the reference and make his or their award within forty days from the date of his appointment or the appointment of the last of them, or within such enlarged time as is from time to time appointed by him or them in writing.

27. Where an umpire is appointed and acts he shall make his award within thirty days after he enters on the reference, or within such enlarged time as he by writing appoints.

28. If either party fail to attend on the reference after receiving seven clear days notice from the other, the award may be made ex parte.

29. The award of the single arbitrator or of the arbitrators or umpire, as the case may be, shall be final and conclusive.

30. Except where otherwise provided by this Act, the costs of every arbitration and of the award shall be in the discretion of the arbitrator, arbitrators, or umpire, as the case may be.

31. Expenses to be borne by the Corporation originally paid by the Worth millowners shall be repaid by the Corporation to the clerk of the Worth mill-

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A.D. 1869. — owners or other person appointed by them to receive the same, and may be recovered by proceedings by and in the name of the clerk in any court of competent jurisdiction.

32. Expenses incurred by the Worth millowners and not borne by the Corporation shall be paid by the Worth millowners in proportion to the number of votes to which they are respectively entitled, and their respective proportions thereof may be recovered by proceedings by and in the name of their clerk in any court of competent jurisdiction; and in any such proceedings against any Worth millowner or millowners a resolution of a meeting of the Worth millowners declaring the amount payable by him or them shall be sufficient evidence of the matter thereby declared.

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