



CHAPTER cxxviii.

An Act to authorise the sale of the undertaking of the Rastrick Gas Company to the Brighouse Corporation to extend the district of the Burial Board and to make further and better provision in regard to the water supply health local government and improvement of the borough and for other purposes. [6th July 1895.]

A.D. 1895.

WHEREAS by royal charter dated the tenth day of August in the fifty-seventh year of the reign of Her Majesty the Queen (1893) the area described or referred to in the charter and comprising the local government districts of Brighouse and Rastrick and that part of the rural sanitary district of the Halifax Poor Law Union known as Hove Edge. all in the west riding of the county of York were created a municipal borough by the name of the borough of Brighouse and the same is now under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) who acting by the council are the council of the urban district comprised in the borough :

And whereas under and by virtue of the Act passed in the ninth and tenth years of the reign of Her Majesty intituled "An Act for sewerage draining and lighting the hamlet of Brighouse in the township of Hipperholme-cum-Brighouse in the parish of Halifax in the west riding of the county of York" (in this Act referred to as the Act of 1846) and divers other enactments the Brighouse Local Board were empowered to construct and maintain gasworks and to supply gas within the limits of the said Act including the district of that board :

And whereas by the Rastrick Gas Act 1865 the Rastrick Gas Company were reconstituted and empowered to supply gas within the limits therein described including the district of the Rastrick Local Board and the company are now supplying gas within those limits :

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And whereas pending the application for the said charter an agreement was entered into between the Gas Company and a committee formed for the purpose of promoting the incorporation of the town for the sale of the undertaking of the Gas Company to the Corporation upon the terms and conditions appearing in this Act and it is expedient that the said agreement should be carried into effect and the undertaking transferred to the Corporation as provided by this Act:

And whereas the capital of the Gas Company consists of the sum of twenty-two thousand pounds (divided into one thousand five hundred fully paid up shares of ten pounds each and one thousand shares of ten pounds on each of which the sum of seven pounds has been paid up) and the Gas Company have borrowed two thousand five hundred pounds on mortgage of their undertaking:

And whereas the portion of the borough known as Hove Edge is partly within the gas limits of the Act of 1846 and partly within the gas limits of the Halifax Corporation:

And whereas the Halifax Corporation have agreed to sell and transfer to the Corporation all their rights powers and privileges in regard to the supply of gas within Hove Edge or any other part of the borough and it is expedient that effect should be given to that agreement in manner appearing by this Act:

And whereas prior to the incorporation of the borough the Brighouse Local Board supplied their district with water under the powers conferred upon them by the Public Health Acts and for the purpose of affording such supply they purchased and took water in bulk from the Halifax Corporation under the powers and provisions of the Acts relating to the water supply of that Corporation and by virtue of an agreement dated the seventh day of July one thousand eight hundred and sixty-nine:

And whereas in pursuance of the powers conferred upon the Rastrick Local Board by the Rastrick Waterworks Act 1889 that board purchased the undertaking of the Rastrick Waterworks Company and prior to the incorporation of the borough the local board supplied their district with water and for the purpose of such supply they purchased and took water in bulk from the Halifax Corporation under an agreement scheduled to and confirmed by the last-mentioned Act:

And whereas Hove Edge is within the water limits of the Halifax Corporation and that corporation are now supplying water therein:

And whereas the Halifax Corporation have agreed to sell and transfer to the Corporation all their water mains pipes and works within Hove Edge and all their rights powers and privileges in regard to the supply of water therein or in any other part of the

borough and it is expedient that effect should be given to that agreement in manner appearing by this Act:

And whereas in pursuance of the provisions of the Municipal Corporations Acts 1882 and 1885 a scheme for the adjustment of the powers rights privileges franchises duties property and liabilities of the Brighouse and Rastrick Local Boards and for other purposes was duly settled by a committee of the Privy Council and approved of and confirmed by Her Majesty the Queen in Council on the twenty-third day of November one thousand eight hundred and ninety-three:

And whereas by the scheme the gas undertaking of the Brighouse Local Board and all the property powers privileges rights and duties whatsoever of that local board in respect of their gas undertaking whether under statute Provisional Order or otherwise were transferred to and vested in the Corporation but the rights of the Rastrick Gas Company and the Halifax Corporation were duly saved:

And whereas by the scheme the water undertakings of the Brighouse Local Board and the Rastrick Local Board and all the property powers privileges rights and duties whatsoever of those local boards respectively in respect of such undertakings were transferred to and vested in the Corporation and the scheme further provided that the powers conferred upon the Rastrick Local Board under or by virtue of the Rastrick Waterworks Acts 1889 might (in addition to the powers conferred on the Corporation by the Public Health Acts) be exercised by the Corporation over and in respect of the whole of the borough but the rights of the Halifax Corporation were duly saved:

And whereas it is expedient to consolidate with amendments the local enactments relating to the gas and water undertakings of the Corporation and to make better provision in regard to the supply of gas and water within the borough and other the gas and water limits of the Corporation:

And whereas the Halifax Corporation and the Corporation have entered into the agreement set forth in the Third Schedule to this Act in substitution for the agreements entered into by the Halifax Corporation with the Brighouse Local Board and Rastrick Local Board in regard to the supply of water in bulk and with the Corporation in regard to the sale of the works and rights of the Halifax Corporation in respect of the supply of gas and water within Hove Edge and it is expedient that the said agreement should be confirmed:

And whereas the council was by the scheme constituted the burial board in respect of the parishes and parts of parishes within the borough except the parish of Saint Matthew Lightcliffe:

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And whereas since the date of the scheme Her Majesty by Order in Council on the twenty-seventh day of June one thousand eight hundred and ninety-four ratified and confirmed a scheme or representation of the Ecclesiastical Commissioners by which so much of the parish of Lightcliffe as was comprised within the limits of the borough was dissevered from that parish and annexed to the parish of Saint Martin Brighouse :

And whereas it is expedient that the district of the said burial board should be extended so as to include the whole of the borough :

And whereas it is expedient that better provision should be made with reference to streets buildings and sewers within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged and the local Acts and Orders set out in the Fourth Schedule to this Act should be repealed to the extent therein mentioned :

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

And whereas estimates have been prepared by the Corporation for and incidental to the purchase of the undertaking of the Gas Company the adaptation extension and improvement of the gas-works the payment of the principal moneys payable by the Corporation under the scheduled agreement and the extension and improvement of the waterworks of the Corporation and such estimates amount to the sum of ninety-one thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-sixth day of November one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Yorkshire Post" a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough :

And whereas such resolution was published twice in the "Brighouse Echo" a newspaper circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-third day of January one thousand

eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill for this Act in Parliament : A.D. 1895.

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Brighouse Corporation Act* Short title. 1895.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Gas.

Part III.—Water.

Part IV.—Burials.

Part V.—Streets buildings and sewers.

Part VI.—Sanitary provisions.

Part VII.—Infectious diseases.

Part VIII.—Street advertisements.

Part IX.—Hackney carriages.

Part X.—Common lodging houses.

Part XI.—Recreation grounds.

Part XII.—Slaughter-houses.

Part XIII.—Financial provisions.

Part XIV.—Miscellaneous provisions.

Division of
Act into
parts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :— Provisions
of certain
general Acts
incorporated.

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 relating to accounts) and the Gasworks Clauses Act 1871 (except sections 7 8 and 35) shall apply to the gas undertaking of the Corporation ;

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 except section 83 relating to accounts) and for

Act 1895.

and the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect 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" were omitted from such section;

The Waterworks Clauses Act 1863.

Interpretation.

4. 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 is something in the subject or context repugnant to such construction:

And in this Act unless the context otherwise requires—

"The borough" means the borough of Brighouse;

"The Corporation" means the mayor aldermen and burgesses of the borough of Brighouse;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the surveyor" "the medical officer of health" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the town clerk treasurer surveyor medical officer of health borough fund borough rate district fund and general district rate of the borough;

"The Brighouse Local Board" means the local board for the district of Brighouse as the same existed prior to the incorporation of the borough;

"The Rastrick Local Board" means the local board for the district of Rastrick as the same existed prior to the incorporation of the borough;

"The Halifax Corporation" means the mayor aldermen and burgesses of the borough of Halifax;

"The Gas Company" means the Rastrick Gas Company;

"The scheme" means the scheme relating to the borough made in pursuance of the Municipal Corporations Acts 1882 and 1885 and recited in the preamble of this Act;

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon or over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in

part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

- (1) Any flagstaff pole vane or weathercock unless adapted or used wholly in part for the purposes of any advertisement or announcement;
- (2) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof. Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;
- (3) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;

“Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor:

Unless the subject or context otherwise requires the words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings but such meanings shall not apply in regard to the construction of the sections of the Act of 1846 set out in the Fifth Schedule to this Act:

Provided that for the purposes of this Act in the Act and parts of Acts incorporated with this Act the expression “superior courts” or “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

5. This Act shall be carried into execution by the Corporation acting by the council. And this Act (except Part II. Gas) shall unless otherwise expressed or implied apply only to the borough.

Execution and limits of Act.

A.D. 1895.

PART II.—GAS.

Sale of
undertaking
of Rastrick
Gas Com-
pany to
Corporation.

6.—(1) The Gas Company shall sell to the Corporation and the Corporation shall purchase the Gas Company's undertaking for the consideration and upon and subject to the terms and conditions in this Act stated or appearing.

(2) The purchase money shall be the sum of forty-seven thousand five hundred pounds.

(3) The mortgage debt of the Gas Company amounting to two thousand five hundred pounds shall be paid by the Corporation.

(4) Subject to the provisions of this Act the sale shall comprise all lands works buildings mains plant moneys assets and effects of whatever nature or kind belonging to the Gas Company and all other the undertaking of the Gas Company with their rights powers and privileges subject to all liabilities attached to or affecting the same.

(5) The reserve fund of the Gas Company amounting on the thirty-first day of December one thousand eight hundred and ninety-one to the sum of one thousand nine hundred and fifty-six pounds five shillings and one penny or so much of that fund as shall on the transfer of the undertaking be standing to the credit of the reserve fund shall be retained by and belong to the Gas Company. The share registers and transfer books of the Gas Company shall also be retained by and belong to the Gas Company.

(6) Subject to the provisions of this Act and for the purpose of adjusting the accounts between the Gas Company and the Corporation the sale and purchase shall be deemed to take effect as from the thirty-first day of December one thousand eight hundred and ninety-one.

(7) The date of completion of the sale shall be the thirtieth day of June one thousand eight hundred and ninety-five or one month after the passing of this Act whichever shall last happen.

(8) As from the thirtieth day of December one thousand eight hundred and ninety-one until the completion of the sale the Gas Company shall for the benefit of the Corporation be deemed to have carried on and shall for the benefit and at the risk of the Corporation carry on the business of the Gas Company.

(9) Prior to the completion of the sale the Gas Company shall not enter into any contract or incur any liability (except in the ordinary course of business) without the consent in writing of the Corporation under the hand of the town clerk.

(10) The Gas Company shall be at liberty to pay to the shareholders of the company at the usual times out of the profits of the business up to the thirtieth day of June one thousand eight hundred and ninety-five their statutory maximum dividends on the paid-up

share capital of the company or so much of such dividends as the said profits will allow. The profits of the Gas Company shall for the purpose of this subsection be calculated after paying or making provision for all outgoings expenses and liabilities of the Gas Company properly payable out of income and the cost of maintaining the works and plant in good and efficient order.

(11) The Corporation shall pay to the Gas Company interest at the rate of four pounds per centum per annum on the amount of the purchase money from the thirtieth day of June one thousand eight hundred and ninety-five to the day of the completion of the sale and shall also pay interest at the same rate on all moneys raised and expended on capital account since the thirty-first day of December one thousand eight hundred and ninety-one with the consent of the Corporation from the date of the expenditure to the date of the transfer.

(12) The Corporation shall pay to the Gas Company all costs and expenses properly incurred by them in relation to the transfer of their undertaking to the Corporation.

7.—(1) The sale of the Gas Company's undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration (which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as the circumstances require) and on the execution of the deed by the Gas Company the undertaking of the Gas Company with their rights powers and privileges (except as regards the constitution of the Gas Company and the raising of capital) shall by virtue of the deed and of this Act become and shall thenceforth be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting are in this Act referred to as "the transfer."

Transfer to
be by deed.

(2) The said deed shall within three months from its date be produced duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Corporation with full costs of action and all costs and charges attending the same.

8. The mortgage debt of the Gas Company amounting to two thousand five hundred pounds and the interest thereon shall after the transfer of the undertaking of the Gas Company and until discharged be a first charge on the gas undertaking of the Corporation. Provided that the Corporation shall discharge the whole of the said mortgage debt within two years from the passing of this Act.

Mortgage
debt of com-
pany to be a
charge on
undertaking
of Corpora-
tion.

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Pending actions &c. against or in favour of the company.

9. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Gas Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the Gas Company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Corporation.

10. All agreements contracts conveyances leases deeds and other instruments affecting the Gas Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Gas Company the Corporation had been a party thereto.

Receipt for purchase money.

11. The receipt in writing of three directors of the Gas Company for any money paid to the Gas Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misappropriation or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England to the account of the Paymaster-General for and on behalf of the Supreme Court to be placed in the books at the pay office to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Application of purchase money.

12.—(1) The Gas Company shall hold the purchase money their reserve fund and all other moneys paid to them by the Corporation under this Act in trust to pay apply and distribute the same in manner following (that is to say) To each shareholder whose shares shall be fully paid up the sum of twenty-one pounds per share and to each shareholder upon whose shares seven pounds shall have been paid up the sum of sixteen pounds per share and the Gas Company shall pay and distribute the residue of such moneys to such persons and in such manner as the Gas Company shall in general meeting determine.

(2) For the purpose of distribution the several persons whose names shall appear in the books of the Gas Company at the date of the transfer to be the proprietors of shares therein unless the contrary be proved to the satisfaction of the directors shall be

considered to be shareholders of the Gas Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Gas Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share or interest in respect whereof that money is paid.

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13. Where the directors of the Gas Company are for six months after the transfer unable after diligent enquiry to ascertain the person to whom any part of the purchase money of the undertaking or other moneys of the Gas Company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Yorkshire holden at Halifax under the Trustee Act 1893 or any other Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Gas Company and directors from all further liability with respect to the money so paid.

Payment into court by directors.

14. So soon as conveniently may be after the transfer the affairs of the Gas Company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the declaration of the dividends amongst the shareholders of the company in accordance with the provisions of this Act for the distribution of the purchase money reserve fund and all other sums of money paid to the Gas Company by the Corporation and for winding up the affairs of the Gas Company and when and so soon as such moneys have been distributed and their affairs have been wound up the Gas Company shall be by virtue of this Act dissolved.

Winding up and dissolution of company.

If the number of directors of the Gas Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Gas Company to fill the vacancy or vacancies so caused.

15. All debts rents charges and sums of money including the mortgage debt of the Gas Company which at the time of the transfer are due or owing to or from the company shall be paid discharged settled and satisfied or received by the Corporation.

Company's debts to be paid and received.

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Books &c.
to remain
evidence.

16. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Gas Company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Powers as to
construction
and mainte-
nance of gas-
works &c.

17. Subject to the provisions of this Act the Corporation may from time to time maintain alter improve enlarge extend and renew or discontinue their existing gasworks upon the lands on which the same are erected or any part thereof and which are described in Part I. of the Second Schedule to this Act and from and after the transfer the Corporation may from time to time maintain alter improve enlarge extend and renew or discontinue the works of the Gas Company upon the lands on which the same are erected or any part thereof and which are described in Part II. of the said schedule and may connect the existing works of the Corporation with those of the Gas Company and the two undertakings shall as from the transfer be consolidated and form one undertaking And the Corporation may also erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor sulphate of ammonia lime and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to
purchase
lands by
agreement.

18. The Corporation may for the purposes of their gas undertaking purchase (by agreement) any lands and hereditaments not exceeding in the whole ten acres which the Corporation may from time to time require for the purposes of their gasworks and undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act.

Power to
supply gas
apparatus
engines &c.
for heating

19. The Corporation may purchase provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive

power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered or removed.

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motive and other purposes.

20. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Corporation without paying all gas or meter rent due from him the Corporation may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other property.

21. At least twenty-four hours' notice in writing shall be given to the Corporation at their gas office by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises Notice of the provisions of this section shall be contained in every demand note for gas rent.

Gas consumers to give notice to Corporation before removing.

22. The Corporation with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Power to lay pipes against buildings.

23. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet.

Limiting the price of gas.

24. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service-pipe supplying such consumer and any gas examiner

Pressure of gas.

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appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Quality of gas.

25. The prescribed number of candles shall be fifteen.

Testing place.

26. Within six months from the transfer a testing place shall be provided at some convenient part of the gasworks of the Corporation.

Burner.

27. The prescribed burner shall be Sugg's London Argand burner number one with a six-inch by one-and-three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Corporation to pay interest on money deposited as security for gas meter &c.

28. If any person is required by the Corporation to give to them security for the payment of the price or rent of a gas meter the Corporation shall pay interest after the rate of three pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Hove Edge to cease to be within the Halifax gas limits.

29. All that portion of the borough known as Hove Edge and situate within the gas limits of the Halifax Corporation shall cease to form part of those limits and so much of section 7 of the Halifax Corporation Act 1882 as includes any area now situate within the borough and all other enactments authorising the supply of gas by the Halifax Corporation within such area are hereby repealed.

Gas limits.

30.—(1) The limits within which the Corporation shall be authorised to supply gas and to exercise all their rights powers and privileges relating to gas (in this Act referred to as the gas limits) shall be the borough and so much of the adjoining area as shall be situate within three hundred yards of the ancient hamlet of Brighouse and the township of Hartshead-cum-Clifton except so much of the last-mentioned township as lies to the north of the following streets namely the portion of Thornhill Lane leading from Thornhill Bridge to High Moor Lane and the portion of High Moor Lane leading from the eastern termination of Thornhill Lane to the Pack Horse Inn.

(2) The gas limits are shown in a pink colour on the map signed in duplicate by Walter Hume Long Esquire the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (in this Act called the map of the gas limits) and the said maps shall respectively within three weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office.

(3) If there shall be any discrepancy between the description of the gas limits contained in this section and the map of the gas limits the latter shall prevail.

(4) Copies of the map of the gas limits certified by the town clerk to be true copies shall be received in all courts of justice and elsewhere as *prima facie* evidence of the gas limits of the Corporation.

Provided that until the transfer nothing in this Act shall authorise the Corporation to supply gas within the limits of supply of the gas company except so far as any places within those limits are also within three hundred yards of the ancient hamlet of Brighouse.

31. If at any time after the passing of this Act any sanitary authority whose district is beyond the district of the Corporation but within their limits for the supply of gas shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the gasworks and plant of the Corporation as is contained within the district of such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gasworks and plant of the Corporation except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the gas limits and to supply gas within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such sanitary authority shall purchase the portion of the gasworks and plant of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act:

Provision for sale of portion of gas undertaking to other sanitary authorities.

Provided that after the completion of such purchase all obligations on the part of the Corporation to supply gas within such district shall cease and determine:

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Provided also that in regard to any portion of the district of such purchasing authority as shall be situate within three hundred yards of the boundary of the ancient hamlet of Brighthouse (being the limits of the Brighthouse Commissioners under the Act of 1846 for the supply of gas) the price to be paid shall be the value of the portion of the undertaking within such area :

The purposes of this section shall be deemed to be purposes of the Public Health Act 1875 and the provisions of that Act shall be available to the sanitary authority for the purposes of this section accordingly.

PART III.—WATER.

Waterworks to continue vested in Corporation.

32. The water undertaking of the Corporation including all property rights powers and privileges of every description which at the passing of this Act were vested in the Corporation in relation to waterworks and the supply of water shall continue vested in the Corporation and be held exercised and enjoyed by them subject and according to the provisions of this Act.

Agreement with Halifax Corporation confirmed.

33. The agreement dated the eighteenth day of February one thousand eight hundred and ninety-five and made between the Halifax Corporation of the one part and the Corporation of the other part as set forth in the Third Schedule to this Act is hereby confirmed and made binding on the parties thereto :

Provided that if at any time it shall be necessary to renew the mains referred to in paragraphs 5 6 and 8 of the said agreement the cost of such renewal shall be borne by the Halifax Corporation and the cost of the maintenance of the said existing mains and of any new mains laid in their place shall be borne in accordance with the said agreement. Provided further that should any of the said mains become insufficient for the supply of the borough and should it therefore become necessary for the corporation of Halifax to lay down larger mains so as to afford such larger supply the Corporation shall pay to the Halifax Corporation on the first day of January in every year after such larger mains shall have been laid down a sum equal to six per cent. upon the increased cost (beyond the respective sums mentioned in the said agreement) of such mains in addition to the sums mentioned in paragraphs 5 6 and 8 of the said agreement.

Hove Edge to cease to be within the Halifax water limits.

34. All that part of the borough known as Hove Edge and situate within the water limits of the Halifax Corporation shall cease to form part of those limits and all enactments authorising the supply of water by the Halifax Corporation within any part of the borough (except to the Corporation) are hereby repealed.

35. The limits of this Act for the supply of water (in this Act called the water limits) shall be the borough. Water limits.

36. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks. Power to take additional lands by agreement.

37. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the existing service reservoir of the Corporation at Lands. Limit of pressure.

38. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):— Rates for supply of water for domestic purposes.

Where the annual value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eight pence ;

Where such annual value exceeds five pounds and does not exceed ten pounds the rate of eight pounds per centum upon such annual value ;

Where such annual value exceeds ten pounds and does not exceed twenty pounds the rate of seven pounds per centum upon such annual value ;

Where such annual value exceeds twenty pounds the rate of six pounds per centum upon such annual value :

Provided that all inns and hotels whether public or private shall be liable to a yearly rate not exceeding ten pounds per centum on the amount of such annual value :

Provided that the Corporation shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of such higher annual value as would bring it within another division of the said scale :

The annual value of any such premises as aforesaid shall be the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief

A.D. 1895. of the poor. Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list such annual value shall be a fairly apportioned part of the annual value of the whole tenement as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for
waterclosets
and baths.

39. In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding fifteen shillings per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided that the Corporation shall not be compelled to supply any bath capable of containing when filled for use more than fifty gallons.

Rate payable
by owners of
small houses.

40. Where the annual value of a house supplied with water does not exceed four pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Byelaws for
preventing
waste &c. of
water.

41. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say):—

- (1) The Corporation may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

42. The Corporation may agree with any person to supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may agree with any person to supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply of water for other than domestic purposes and by measure.

43. The Corporation may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell meters.

44. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Corporation of connecting or disconnecting meters.

45. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such

Register of meter to be *primâ facie* evidence.

A.D. 1895. difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring
meters &c.

46. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings. Provided that the Corporation shall not under the provisions of this section discontinue to supply water for domestic purposes to any person entitled to a supply for such purposes.

Power to
Corporation
to supply
materials.

47. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such

materials and executing such work shall be paid by the person requiring the same. A.D. 1895.

48. The notice to be given by the Corporation previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):— Notice before entry.

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry;

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Corporation then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the Corporation after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purposes of this section any person receiving the rack rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

49. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Corporation not bound to supply several houses by one pipe.

50. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Corporation. Notice of discontinuance.

PART IV.—BURIALS.

51. As from the thirty-first day of March one thousand eight hundred and ninety-five and notwithstanding anything contained in the scheme to the contrary the council shall be the burial board for the whole of the borough in the same manner and as fully as if Her Majesty had with the advice of Her Council ordered pursuant to the Burial Act 1854 and the Act or Acts amending the same that powers should be vested in the council of the borough for providing places of burial for the inhabitants of the parishes wholly or partly within the borough. The outstanding mortgage debt of the burial board the interest thereon and all expenses which may District of burial board extended.

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be incurred after the said date shall be charged upon and paid out of the borough fund and rate leviable upon the whole of the borough and the Corporation shall pay off the said mortgage debt in accordance with the provisions of the Burials Acts 1852 to 1885. The inhabitants of that part of the former parish of Lightcliffe which by the scheme of the Ecclesiastical Commissioners was added to the parish of Saint Martin Brighouse and is now added to the district of the burial board shall have the same rights and privileges in regard to the use of the burial grounds of the borough and in all other respects as the other inhabitants of the borough.

PART V.—STREETS BUILDINGS AND SEWERS.

Deposit of plan to be void after certain interval.

52. The deposit with the Corporation of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

As to plans deposited after the passing of this Act within three years from the date of such deposit; and

As to plans deposited before the passing of this Act within three years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposits shall unless the Corporation otherwise determine be requisite:

Provided that this section shall not apply to plans of intended streets or continuations of streets approved of by the Corporation (or other the local authority) before the passing of this Act if such intended streets or continuations of streets be not less than ten yards in width between the fences or boundaries and not less than fourteen yards between the lines of buildings.

Byelaws as to plans deposited with the Corporation.

53. The Corporation may make byelaws with reference to the retention by them of drawings plans sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder respectively.

Power to vary position or direction of new streets.

54. The Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Intersecting streets.

55. No new street shall unless the Corporation otherwise allow be laid out more than one hundred and fifty yards in length without an intersecting street.

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Corporation
may define
future line of
street.

56. (1) Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land or building for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

Provided that as regards any lands being part of the Thornhill Estate in the township of Rastrick of which William Capel Clarke-Thornhill is the owner or part owner at the passing of this Act the Corporation shall not have power under this section to define the line of frontage after the expiration of ten years from the passing of this Act and that as regards such lands this section shall only apply to public streets.

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Gardens
forecourts
&c. to be
fenced off
from streets.

57. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the town clerk be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Corporation and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Fencing of
vacant lands.

58. Where any vacant or waste lands adjacent to any street are in a state to cause a nuisance or danger to the public the Corporation may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Corporation may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses so incurred summarily as a civil debt or in any court of competent jurisdiction from the person making default.

Entrances to
courts &c.
not to be
closed &c.
without
consent of
Corporation.

59. The entrance to any court (not being a highway repairable by the inhabitants at large) to which good and sufficient access is not otherwise provided shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing.

Restriction
on erection of
any building
in courts.

60. When in any court any building is burnt or pulled down to or below half the front thereof such building shall if required by the Corporation be entirely pulled down and removed and shall not be rebuilt. Provided that the Corporation shall make compensation to the owner and occupier of the site of such building for any loss or damage sustained by them in consequence of the building being so pulled down removed and not rebuilt.

No buildings
allowed until
street
defined.

61. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Crossings
for horses
or vehicles
&c. over
footways.

62. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footway so as to afford access to any premises from a street shall first give notice

in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

If any person drives or permits or causes to be driven any horse cattle or vehicle across any kerbed or paved footway before such a communication has been made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby occasioned and such penalty and damages shall be recoverable in like manner as penalties under this Act may be recovered.

63. The Corporation may name any street or any part of a street which is without a name or which bears two names and may at the instance and with the consent of the majority in number and value of the ratepayers in any street alter the name of such street or of any part of a street. The Corporation may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection and may number every building or other erection therein on the door thereof or otherwise as they think proper. Any person who wilfully and without the consent of the Corporation alters any such name or number or any part thereof shall be liable to a penalty not exceeding forty shillings.

Power to name and alter names of streets and names to be put up and houses to be numbered &c.

64. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

Dangerous places to be repaired or enclosed.

(1) If any building wall steps structure or other thing or any well excavation or reservoir pond stream or dam or bank or any land or place is in the opinion of the Corporation for want of sufficient repair protection or enclosure dangerous to the occupiers thereof or to the neighbouring buildings or to the passengers along any street or footpath the Corporation may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection

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or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily unless the court of summary jurisdiction or the court of quarter sessions on appeal shall be of opinion under the circumstances of the case that such expenses should be borne by the Corporation.

For prevent-
ing soil and
sand from
being washed
into streets.

65. The owners or occupiers of all lands abutting upon any public street and the owners and occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gulley and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable :

Provided that such owner or occupier shall not be responsible for any soil and sand from land other than his own although such soil and sand may have passed over the land of such owner or occupier Provided further that this section shall not apply to any lands of a bonâ fide agricultural character.

Corporation
may declare
where streets
begin and end.

66. The Corporation may by order declare the limits at or within which any street is to be taken as beginning or ending.

Trees or
shrubs over-
hanging
streets.

67. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may themselves carry out its requisitions doing no unnecessary damage.

Height of
buildings.

68. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite to the centre of the front

of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street. A.D. 1895.

69. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street. Prevention and removal of projections over streets.

70. It shall not be lawful for any person without the consent of the Corporation first obtained which consent shall not be unreasonably withheld to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily. Restrictions on deposit of building materials and excavations.

71. From and after the passing of this Act—

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down or burnt down as to leave only the framework of the ground floor storey thereof ;

The conversion into a dwelling-house of any building not originally constructed for human habitation or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only ;

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;

The conversion of a dwelling-house into any other building not intended for human habitation ;

What to be deemed new buildings.

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The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this Act and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a new building and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

Charge for emptying privies of rubbish.

72. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any privy cesspool ashpit or ashtub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Pipes from slopstones to be disconnected from sewers.

73. Every pipe from any slopstone bath or lavatory in a building erected before as well as after the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped and every person offending against this enactment shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings. Provided always that with respect to a building erected before the passing of this Act any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation or the inspector of nuisances requiring the owner of such building to comply with the provisions of this section.

Height of chimneys.

74. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

- (1) Every chimney hereafter erected for carrying any smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) No portable steam-engine shall after the passing of this Act be erected or used within fifty feet of any occupied dwelling-house unless connected with a chimney of such height as the Corporation may in each case reasonably prescribe : A.D. 1895.

(3) All steam ejected from any fixed steam-engine or the boiler thereof and all spent or ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public :

(4) The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable steam-engines in use for agricultural purposes or to traction-engines steam-rollers or fire-engines :

(5) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

75. The Corporation may from time to time prohibit in any part of the borough liable to be flooded from any stream watercourse or sewer or abutting upon any stream or watercourse the construction of any cellar or basement storey in any new building being a dwelling-house and may regulate the level of the ground floor of any new building in such part of the borough. Power to prohibit cellars in part of borough liable to flood.

76. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property shall be entitled on application to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist. Undertakings to bind successive owners.

77. Where the Corporation under the provisions of the Public Health Acts provide and maintain for public accommodation any sanitary conveniences they may if they think fit provide and maintain and make reasonable charges for the use of lavatories for public accommodation in connexion with such sanitary conveniences. Corporation may provide lavatories.

78. (1) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any Penalty on occupiers refusing

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—
execution of
Act.

requirement of the Corporation under this Act or under any byelaw made under the powers of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Exemption
of Govern-
ment pro-
perty from
building
regulations.

79. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Exemption
of buildings
of railway
companies.

80. Nothing in this part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART VI.—SANITARY PROVISIONS.

Byelaws
regulating
hospitals.

81. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital temporary or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

Prohibition
of blowing
or stuffing
carcases.

82. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase so

blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. A.D. 1895.

83. Any person who sends or deposits or permits to be sent or deposited for the purpose of sale or of preparation for sale any food intended for the use of man which is to his knowledge diseased or unfit for the food of man shall be liable to a penalty not exceeding twenty pounds. Penalty for sending diseased food.

84. Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be liable to the same fine as that imposed for an offence under the said section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that it was in such condition. Penalty on original vendor of unsound food.

85. Whenever the medical officer of health or surveyor has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke test to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. If the drains be found defective so as to cause risk to health the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts. Owners &c. to permit application of smoke test to drains.

86. Every occupier of any building containing any willowing or other machine for opening or cleaning wool woollen waste flax Dust from factories.

A.D. 1895. cotton cotton waste silk or any fibrous substance or any grinding or other machine for grinding or cleaning woollen or cotton rags or corn or grinding or polishing metal or other instruments of manufacture who does not use the best practicable means to prevent the dust dirt or refuse produced in the process of opening cleaning or grinding as aforesaid from falling into any street or court or on any building in any street or court or on any yard garden or enclosure belonging thereto shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that no such occupier shall be liable to the said penalties unless and until the Corporation shall have given to him three months' notice in writing to comply with the provisions of this section.

As to pail-closets &c.

87. The Corporation may if they think fit authorise or require the use of a pail-closet in any case in which they are authorised to require the use of a privy watercloset or earth-closet and may from time to time prescribe the size and materials of which any pail-closet shall be constructed and the times and mode of removing cleansing preserving and replacing of the pails tubs fittings and appliances of any such closet The provisions of this Act and subject thereto the provisions of the Public Health Act 1875 with respect to the providing of privies waterclosets and earth-closets shall apply mutatis mutandis in the case of pail-closets the use of which may be so required or ordered by the Corporation and the Corporation may if they think fit from time to time provide and maintain and charge for the use of such pail-closet pails tubs fittings and appliances or any or either of them or any part or parts thereof respectively and may recover such charges summarily Nothing in this section shall authorise the Corporation to require the use of a pail-closet where the owner or occupier has provided or undertakes to provide a proper and sufficient watercloset.

Regulation pails and tubs for privies &c.

88. The owner of every house in which pails or tubs are used in the privies shall if so required by the Corporation obtain the regulation size pails or tubs from the Corporation who shall from time to time determine the charge to be made for the use of the same and in case the owner of any house use any pail or tub not obtained from the Corporation he shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings Provided that this section shall not apply to any pails or tubs in use at the commencement of this Act so long as the same are in proper order and condition.

Power to supply courts with water-closets &c.

89. The Corporation for the purpose of supplying a court or place with a watercloset earth-closet ash pit or other sanitary

accommodation may from time to time purchase by agreement any land or building and remove such building and execute all necessary structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such land or building and the other expenses incurred by the Corporation in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him in a summary manner or as private improvement expenses under the Public Health Acts Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be.

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90. If it shall appear to the Corporation by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ash pit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ash pit or well to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away.

Provisions as to filling up cesspools &c.

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

91. Where any inn public house beer house eating house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto in a convenient and suitable position the Corporation may order the owner of such inn public house beer house eating house or other place of public entertainment to provide and maintain upon the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation and the Corporation may order the

Urinals to be attached to refreshment houses &c.

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owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency and if any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART VII.—INFECTIOUS DISEASES.

Dairymen to furnish list of customers in certain cases.

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

Dairymen to notify infectious disease existing among their servants &c.

93. All dairymen supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

94. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

95. Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any dangerous infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease.

Persons engaged in washing or mangling clothes to

96. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood

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or deriving gain by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

furnish lists of owners of clothes in certain cases.

97. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairymen to furnish list of sources of their supply of milk.

98. The Corporation may from time to time provide nurses for attendance upon the members of any family suffering from any infectious disease.

Provision of nurses in case of infectious disease.

99. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease until such book has been disinfected to the satisfaction of the medical officer of health or unless prior to the return of such book notice that it has been exposed to infection shall have been given to the librarian. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Protection against infection of books in public libraries.

100. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease the Corporation shall make compensation to him for any loss occasioned by such stoppage.

Compensation to dairymen.

101. If any midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease the Corporation shall make compensation to her for any loss she may sustain by reason of such stoppage.

Power to compensate nurses &c.

102. Public notice of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two

Public notice to be given of

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provisions
of this part
of Act.

newspapers published or circulated in the borough and by a notice affixed outside the town hall of the borough and by such further means as the Corporation deem reasonable for conveying notice of the provisions of this part of this Act to persons affected or likely to be affected thereby. A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

PART VIII.—STREET ADVERTISEMENTS.

Prohibition
of sky signs.

103. After the passing of this Act it shall not be lawful to erect or fix upon or in connexion with any building or erection any sky sign and if any sky sign be erected contrary to the provisions of this Act it shall be lawful for the Corporation to take down and remove the sky sign and to recover the expenses in relation thereto summarily as a civil debt.

Any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restriction
on adver-
tising
vehicles
and hoards.

104. (1) It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a petty sessional court held in and for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs to the successful party such costs to be recoverable in like manner as a penalty under this Act.

(2) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(3) It shall not be lawful after the passing of this Act to erect any hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine.

(4) The owner or other person using any hoard wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard wall or other structure shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provided always that this section shall not apply to any hoard or advertisement affixed to any railway station or premises of any railway company for the purposes of any such company.

PART IX.—HACKNEY CARRIAGES.

105. Where any hackney carriage licensed by the Corporation under the Town Police Clauses Act 1847 is hired within the borough all byelaws for regulating licensed hackney carriages and the conduct of the drivers thereof and all provisions of this Act and of the Town Police Clauses Act 1847 for the time being in force within the borough shall apply to such licensed hackney carriage and the driver thereof within a distance of five miles from the municipal buildings of the borough. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough.

Prescribed distance for hackney carriages.

106. The inspector of hackney carriages or any person appointed by the Corporation in writing may from time to time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver or conductor or other person shall obstruct or hinder such inspector or other person so appointed as aforesaid in the execution of his duties he shall be liable to a penalty not exceeding forty shillings.

Powers of inspector of hackney carriages.

107. Every person who fraudulently does any of the following things (namely):—

Penalty for fraudulent use of numbers and badges.

(1) Affixes or places on any carriage any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage;

(2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

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- (3) Alters or erases whilst any licence granted by the Corporation in respect of any vehicle is in force any number painted thereon or affixed thereto by direction of the Corporation or any officer of the Corporation authorised in that behalf;
- (4) Affixes or carries on his person any badge figure or number assigned by the Corporation or by any duly authorised officer of the Corporation to any other person;
- shall be liable to a penalty not exceeding forty shillings.

Fares to or from railway stations.

108. The provisions of the Town Police Clauses Acts 1847 and 1889 with respect to public vehicles within the borough shall be as fully applicable in all respects to public vehicles conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles:

Provided that nothing in this section shall extend to or empower the Corporation in any way to interfere with any vehicle belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or with the drivers or conductors thereof unless such vehicle plies for hire in the ordinary way:

Provided also that nothing in this Act shall empower the Corporation to fix the site of the stand or starting place of any vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

PART X.—COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

109. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary conveniences to be pro-

110. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the

Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings The expression "sanitary conveniences" in this section includes urinals waterclosets earth-closets privies pail-closets ash pits and any similar convenience.

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 ived for
 inmates of
 common
 lodging-
 houses.

111. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalties on
 unregistered
 common
 lodging-
 house
 keepers.

112. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Power to
 refuse
 registration
 of common
 lodging-
 house
 keepers.

113. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

Notice to
 common
 lodging-
 house
 keepers.

PART XI.—RECREATION GROUNDS.

114. The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games but so that the same shall be open to the public when not in use for such games and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

Power to
 set apart
 lands for
 games.

115. The Corporation may from time to time pay or contribute towards the payment of a band of music to perform in any park or place of public resort or recreation for the time being belonging to or held by the Corporation as they may prescribe and the Corporation may enclose an area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions

Band of
 music.

A.D. 1895. of the Corporation for or towards such band shall be paid out of the borough fund and shall not in any one year exceed the sum of one hundred pounds.

Chairs and seats for public use.

116. The Corporation may from time to time place or authorise any person or persons to place seats or chairs in any street park recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

Recreation grounds to be deemed streets for police purposes.

117. For the purpose of police the public parks gardens and recreation grounds within the borough shall be deemed streets and places of public resort and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

PART XII.—SLAUGHTER-HOUSES.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

118. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the borough of notice to that effect no person shall except with their consent slaughter in the way of trade any cattle horse sheep or pig within the borough except in such slaughter-houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided that the Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by the exercise of the prohibition in this section contained:

Provided always that nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture made or granted thereunder.

PART XIII.—FINANCIAL PROVISIONS.

Power to borrow.

119. (1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts (when specified) following (that is to say):—

(1) For and incidental to the purchase of the undertaking of the Gas Company including the payment of the mortgage

debt of the Gas Company and for the part payment of the principal moneys payable by the Corporation under the scheduled agreement the sum of fifty-two thousand pounds;

(2) For the adaptation extension and improvement of the gas-works of the Corporation the sum of twenty-nine thousand pounds;

(3) For the part payment of the principal moneys payable by the Corporation under the scheduled agreement and the extension and improvement of the waterworks of the Corporation the sum of ten thousand pounds;

(4) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

and with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the gas or water undertakings of the Corporation.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the district fund and general district rate and in addition thereto they may mortgage or charge as regards the purposes (1) and (2) the revenue of the gas undertaking of the Corporation and as regards the purpose (3) the revenue of the water undertaking of the Corporation.

120. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by the issue of stock if and when they shall be authorised to issue stock or partly in one way and partly in another.

Mode of raising money.

121. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

122. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage;

Section 237. Register of mortgages;

Section 238. Transfer of mortgages;

Section 239. Receiver may be appointed in certain cases.

Provisions of Public Health Act as to mortgages to apply.

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Periods for
payment off
of money
borrowed.

123. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say) :—

As to moneys borrowed for the purposes (1) and (2) mentioned in the section of this Act the marginal note whereof is “Power to borrow” within the limit there prescribed within thirty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (3) in the said section mentioned within the limit there prescribed within forty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (4) in the said section mentioned within five years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of
payment off
of money
borrowed.

124. (1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made prior to the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act :—

(A) The Corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stock debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Corporation and securities transferable by delivery) and if and as often as the rate of

interest by investment is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based:

(d) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

125. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Power to reborrow.

126. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection of lender from inquiry.

127. Moneys borrowed or raised by the Corporation under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Application of money borrowed.

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

128. The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act or under any Act or order repealed by this Act transmit to the Local Government Board 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 paid as an instalment or invested 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 portion 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 town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act or any Act or order repealed by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Saving for
existing
charges.

129. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

130. The Corporation shall keep separate accounts of their receipts and expenditure for gasworks and waterworks purposes respectively on capital and revenue account.

Separate
accounts of
gas and water
undertakings.

131. The Corporation shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

Application
of gas
revenue.

First.—In payment of the working and establishment expenses and cost of maintenance of their gas undertaking ;

Secondly.—In payment of the interest on the amount of the mortgage debt of the gas company until redemption ;

Thirdly.—In payment of the interest on moneys borrowed by the Brighouse Local Board prior to the incorporation of the borough for gasworks purposes ;

Fourthly.—In payment of the interest on moneys borrowed by the Corporation under this Act for the purposes of their gas undertaking ;

Fifthly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed for the purposes of their gas undertaking ;

Sixthly.—In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Corporation and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds.

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Application
of water
revenue.

132. The Corporation shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First.—In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Secondly.—In payment of the interest on moneys borrowed by the Brighouse Local Board and the Rastrick Local Board prior to the incorporation of the borough for waterworks purposes ;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation under this Act for the purposes of their water undertaking ;

Fourthly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed for the purposes of their water undertaking ;

Fifthly.—In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the Corporation and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds.

As to
deficiency
in receipts.

133. Any deficiency in the revenues or receipts of the Corporation on account of their gas undertaking or water undertaking shall be from time to time made good out of the district fund and the next general district rate to be made by the Corporation shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

134. The Corporation may from time to time sell and dispose of any lands acquired by them for the purposes of this Act and not for the time being required for such purposes.

Power to sell lands.

135. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be reborrowed.

Proceeds of sale of surplus lands to be treated as capital.

136. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or district fund and general district rate as the Corporation may in their discretion having regard to the objects of the expenditure deem just.

Expenses of execution of Act.

137. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments (not being more than four) of such amounts and to be paid at such times within the financial year as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovery of rates shall extend and apply to each instalment as if the same were a separate rate.

Power to levy rates by instalments.

PART XIV.—MISCELLANEOUS PROVISIONS.

138. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart when required to do so.

139. Any three or more persons assembled in any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purpose of betting.

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Penalty on persons obstructing footway.

140. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

As to unfenced ground.

141. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place.

Routes of processions during hours of divine service.

142. (1) On application to the Corporation or the watch committee by the minister or churchwardens or any officials of any church or chapel or other place of public worship within the borough the Corporation or the watch committee may make orders for regulating the route by which processions with music or singing shall pass in the neighbourhood of such places of worship during hours of divine service on Sundays Christmas Day Good Friday or any day appointed for a public fast or thanksgiving.

(2) Any orders so made shall be printed and put and kept up by the Corporation on or near the church chapel or place of public worship to which the same refer and in some conspicuous places near and leading thereto and elsewhere as the Corporation or the watch committee direct.

(3) Every wilful breach of any such order shall be deemed a separate offence against this section and every person committing any such offence shall be liable to a penalty not exceeding forty shillings.

(4) This section shall not apply to any of Her Majesty's regular reserve or auxiliary forces either naval or military.

Byelaws for regulating traffic.

143. The Corporation may make byelaws for prescribing the times during which and the route along which cattle may be driven and the provisions of section 23 of the Municipal Corporations Act 1882 shall apply to such byelaws as if they were byelaws made under that section for the good rule and government of the borough Provided that the route which it shall be lawful so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such cattle are merely passing between such market and railway station or other places as aforesaid and the Corporation shall be bound at all times to allow a reasonably short and efficient route or routes for the passage of such cattle.

144. (1) The captain or superintendent of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

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Captain of
fire brigade
or other
officer to
have control
of operations
at fires.

(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

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

Power to
police con-
stable &c.
to enter and
break open
premises in
case of fire.

146. The Corporation may from time to time provide and maintain between their public offices and other establishments and premises whether within or outside the borough and the stations of the borough fire brigade or the stations of any volunteer fire brigades and the offices of the officials of the Corporation and the private residences of the officers and firemen of such brigades such telegraphic or telephonic communication as they may deem fit but such communications shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1892 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

Telegraphic
&c. commu-
nications
between
offices of
Corporation.

A.D. 1895.

Local Government Board may prescribe form of rates &c.

147. If and when the Local Government Board make an order under the Local Government Act 1894 authorising the Corporation to appoint the overseers of the parishes within the borough the Board may also prescribe a form of rate which may include the poor rate borough rate general district rate water rate or other rates and they may in respect of such rates prescribe the form of demand note and of receipt for rates and any forms so prescribed shall be sufficient in law.

Inquiries by Local Government Board.

148. (1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

In executing works for owner Corporation not liable for damage save in case of negligence.

149. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Power to grant gratuities in certain cases.

150. (1) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Informations by whom to be laid.

151. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this

Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the borough. A.D. 1895.

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

153. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts. Compensation how to be determined.

154. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal. As to appeal.

155. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Recovery of penalties &c.

156. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him as to penalties in connexion with sanitary matters carried to the credit of the district fund as to penalties in connexion with municipal matters Penalties to be paid over to the treasurer &c.

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A.D. 1895. to the credit of the borough fund and in connexion with other matters to such fund as the Corporation may direct.

Authenti-
cation and
service of
notices &c.

157. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and in the case of licences and certificates granted by the Corporation under any general or local Act the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General
provisions
as to bye-
laws.

158. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall unless by this Act otherwise provided apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Restriction
on taking
houses of
labouring
class.

159. The Corporation 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 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 purpose of this section the expression "labouring class" means and includes mechanics artizans 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 family of any such persons who may be residing with them.

Powers
of Act
cumulative.

160. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Act 1875 and the Municipal Corporations Act 1882 or other Act amending the same respectively and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person

shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. A.D. 1895.

161. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or any gas or water rate rent or charge payable to the Corporation. Judges not disqualified.

162. The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule and from the respective times specified in the fourth column of the same schedule Provided as follows:— Repeal of Acts and savings.

(1) All existing bonds mortgages or other securities under which the Corporation are liable by virtue of the scheme or otherwise shall be and continue valid and available for all purposes and for and against all properties and parties and the holders of all such bonds mortgages or other securities shall be in the like position and entitled to the like powers rights and remedies as if this Act had not been passed Provided that the Corporation shall repay or redeem or make provision for the repayment or redemption of all such bonds mortgages or other securities within the same respective periods as if this Act had not been passed :

(2) All property vested in the Corporation at the passing of this Act shall continue vested in the Corporation and all acts works matters and things before the passing of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the passing of this Act valid and available or in progress and all existing agreements awards conveyances contracts covenants deeds instruments leases obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed :

(3) All actions arbitrations prosecutions or other proceedings by with or against the Corporation by reason of any matter or thing done before the passing of this Act in execution of or in relation to the repealed Acts or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed :

(4) All existing byelaws rules regulations orders and licences shall continue in force until revoked by the Corporation or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act :

1895.

(5) All rates rents tolls and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed:

son ayndul
bedilaupab

(6) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed:

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Eus atk
Agitren

(7) These enactments set out in Part I. of the Fifth Schedule to this Act and saved from repeal shall be read as if the Corporation were substituted for the Commissioners but shall apply only to the area comprising the hamlet of Brighouse and only in respect of houses buildings sewers and drains constructed prior to the passing of this Act or constructed after that date in accordance with plans approved prior to the passing of this Act And the enactment set out in Part II. of the Fifth Schedule shall be read and apply as if the Corporation were substituted for the company And the enactment set out in Part III. of the Fifth Schedule shall be read and apply as if the Corporation were substituted for the company and the enactment shall apply and be limited to the township of Rastrick.

Costs of Act.

163. All the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under this Act.

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THE THIRD SCHEDULE.

AN AGREEMENT made this eighteenth day of February one thousand eight hundred and ninety-five between the mayor aldermen and burgesses of the borough of Halifax (herein-after called the "Halifax Corporation") and the mayor aldermen and burgesses of the borough of Brighouse (herein-after called the "Brighouse Corporation").

WHEREAS under and by virtue of an agreement dated the seventh day of July one thousand eight hundred and sixty-nine and made between the Halifax Corporation of the one part and the Brighouse Local Board of the other part the Halifax Corporation agreed to supply the district of the local board and any extension thereof with water in bulk upon and subject to the terms and conditions therein expressed :

And whereas under and by virtue of an agreement dated the tenth day of December one thousand eight hundred and eighty-eight and made between the Halifax Corporation of the first part and the Rastrick Waterworks Company Limited of the second part (which agreement is scheduled to and confirmed by the Rastrick Waterworks Act 1889) the Halifax Corporation agreed to supply the Rastrick Waterworks Company Limited with water in bulk for the purpose and upon and subject to the terms and conditions therein expressed :

And whereas in pursuance of the powers conferred upon the Rastrick Local Board by the said Act of 1889 that board purchased the undertaking of the Rastrick Waterworks Company (the limited company reconstituted by that Act) including all rights and interests of the company under the last recited agreement :

And whereas by royal charter dated the tenth day of August one thousand eight hundred and ninety-three the area described in the charter comprising the districts of the Brighouse and Rastrick Local Boards and that part of the rural sanitary district of the Halifax Poor Law Union known as Hove Edge were created a municipal borough by the name of the borough of Brighouse :

And whereas by an agreement dated the twenty-fourth day of August one thousand eight hundred and ninety-four and made between the Halifax Corporation of the one part and the Brighouse Corporation of the other part the Halifax Corporation agreed to sell to the Brighouse Corporation certain waterworks plant within the district of Hove Edge together with their rights powers and privileges in regard to the supply of gas and water within that district upon and subject to the terms and conditions therein mentioned :

And whereas the parties hereto have agreed to enter into this agreement in substitution for the recited agreements :

Now these presents witness that it is hereby agreed between the parties hereto as follows (that is to say) :—

1. With the exception of Article 3 hereof this agreement shall not come into force until the first day of January one thousand eight hundred and ninety-six

and from and after that date the recited agreements of the seventh day of July one thousand eight hundred and sixty-nine the tenth day of December one thousand eight hundred and eighty-eight and the twenty-fourth day of August one thousand eight hundred and ninety-four shall determine and come to an end but without prejudice to any rights liabilities claims or demands thereunder up to that date.

2. The Halifax Corporation shall supply to the Brighthouse Corporation and the Brighthouse Corporation shall purchase from the Halifax Corporation so much water as the Brighthouse Corporation may from time to time require (in addition to their other sources of supply) for the supply of the borough of Brighthouse or any future enlargement thereof at the rate of five pence per one thousand gallons.

3. The Brighthouse Corporation shall before the end of the year one thousand eight hundred and ninety-five and every subsequent year fix the maximum and minimum daily quantity of water which the Halifax Corporation shall be bound to supply and the Brighthouse Corporation bound to take in the then following year such minimum quantity being not less than one third of the maximum and the Halifax Corporation shall not be bound to supply more than the fixed maximum quantity but if and when at the requirement of the Brighthouse Corporation they do so the excess shall be paid for at the same rate.

4. The Halifax Corporation shall give up all right and power to supply or distribute water within the limits for the time being of the borough of Brighthouse (other than to the Brighthouse Corporation) whether for domestic trade or any other purpose but nothing herein contained shall abridge or vary the rights and powers of the Halifax Corporation to lay down mains and other appliances through the said borough of Brighthouse for the supply of other districts or persons beyond the said borough of Brighthouse.

5. The Brighthouse Corporation shall pay to the Halifax Corporation on the first day of January in every year (the first payment to be made on the first day of January one thousand eight hundred and ninety-seven) a sum equal to six pounds per centum per annum upon eight hundred and eighty pounds the agreed cost of the eight-inch main laid down by the Halifax Corporation from the boundary of the urban district of Hipperholme at Black Beck on the Halifax and Wakefield Road to the boundary of the borough of Brighthouse at Pocket Stile on the Brighthouse and Denholme Gate Road together with the annual cost of maintaining such main and a further sum equal to the amount of the local rates which may from time to time be paid by the Halifax Corporation in respect of such main.

6. The like rate of interest on five hundred and sixty-seven pounds seven shillings and eight pence the agreed cost of the eight-inch main laid down by the Halifax Corporation from the boundary of the borough of Halifax at Stump Cross to the boundary of the urban district of Hipperholme at Black Beck on the Halifax and Wakefield Road together with the annual cost of maintaining the same and the amount of the local rates in respect thereof shall be paid to the Halifax Corporation annually on the first day of January in every year (the first payment to be made on the first day of January one thousand eight hundred and ninety-seven) by the Brighthouse Corporation and

A.D. 1895. the Hipperholme district council respectively rateably according to the annual water rents payable to the Halifax Corporation by each of those bodies.

7. The Brighouse Corporation shall pay to the Halifax Corporation on the first day of January in every year (the first payment to be made on the first day of January one thousand eight hundred and ninety-seven) a sum equal to six pounds per centum per annum upon six hundred and sixteen pounds two shillings and one penny the agreed cost of the eight-inch main from the junction of King Street with the Bradford and Huddersfield Road to the boundary of the township of Rastrick at Bridge End both within the borough of Brighouse together with the annual cost of maintaining such main and a further sum equal to the amount of the local rates which may from time to time be paid by the Halifax Corporation in respect of such main till such main be purchased by the Brighouse Corporation at the agreed price of two hundred and ten pounds. In the event of such purchase the two six-inch meters and the four six-inch valves now situate at Rastrick Bridge (which said meters and valves shall remain the property of the Halifax Corporation) shall be removed by the Halifax Corporation from their present position and placed at or near the junction of King Street with the Huddersfield and Bradford Road within the borough of Brighouse either in the roadway or in a meter-house to be provided by the Brighouse Corporation within three calendar months after notice from the Halifax Corporation. A back pressure or reflux valve shall be fixed by the Halifax Corporation on the outlet of the said meters. The Brighouse Corporation shall in addition to the said sum of two hundred and ten pounds pay to the Halifax Corporation all the costs and expenses of and incident to such removal and refixing of the said meters and valves as aforesaid such payment to be made within one month from the date of demand.

8. The like rate of interest on six thousand nine hundred and seventy-eight pounds eight shillings and eight pence the agreed cost of the fourteen-inch main from the boundary of the borough of Halifax at Stump Cross to the junction of King Street with the Bradford and Huddersfield Road within the borough of Brighouse together with the annual cost of maintaining the same and the amount of the local rates in respect thereof shall be paid to the Halifax Corporation annually on the first day of January in every year (the first payment to be made on the first day of January one thousand eight hundred and ninety-seven) by the Brighouse Corporation and the several district councils authorities companies and persons from time to time receiving water through the main rateably according to the annual water rent payable to the Halifax Corporation by the Brighouse Corporation and each of such district councils authorities companies and persons respectively.

9. If and when the Halifax Corporation or any other authority shall take a supply of water to any district or premises other than the borough of Brighouse and district of Hipperholme through any of the said mains then and in each such case the interest and annual and other charges payable hereunder to the Halifax Corporation in respect of any such main shall be apportioned between the Brighouse Corporation and such other authority or authorities for the time being taking water through such main according to the annual water rent payable to the Halifax Corporation by the Brighouse Corporation and such authority or authorities respectively and the Halifax Corporation shall

until a valid and binding agreement is entered into between the parties hereto and the authorities of those new districts taking water through such main as aforesaid allow to the Brighthouse Corporation a proportionate reduction in such interest and annual and other charges in such and the same manner as if the said authorities had been originally parties to this agreement.

10. All the water which may be supplied as aforesaid shall be measured by approved stationary meters to be provided and maintained by the Halifax Corporation within the borough of Brighthouse and the Brighthouse Corporation shall in addition to the rents and charges herein-before referred to and on the days and times referred to pay to the Halifax Corporation annually a sum equal to six pounds per centum per annum upon the cost of the said meters and valves connected therewith together with the sum expended in maintaining them.

11. The Brighthouse Corporation may take collect and divert into their present reservoir or any enlargement thereof and therein impound all the waters flowing from the fields called the "Tongue" the "Leys" and the "Sour Ing" wholly in the township of Fixby (except so much thereof as at present flows to the Badger Hill Mill) use and thence distribute within the borough of Brighthouse but the Brighthouse Corporation shall not by mining or other means enlarge the present flow of the said waters.

12. In the event of the Brighthouse Corporation supplying water beyond the limits for the time being of the borough of Brighthouse the following terms and conditions shall be observed:—

- (a.) Such supply in all cases shall be measured by approved water meters to be fixed within the immediate boundary of the borough of Brighthouse in the road or in some convenient building adjoining thereto:
- (b.) The Halifax Corporation and the Brighthouse Corporation shall have free access to such meters:
- (c.) Separate accounts (to be taken monthly) shall be kept by the Brighthouse Corporation of the quantity of water delivered by each of such meters:
- (d.) No water shall be supplied nor any meter put down by the Brighthouse Corporation without the previous consent of the Halifax Corporation to be signified in writing under the hand of the town clerk of Halifax to whom all applications are to be made for submission to the Halifax Corporation Waterworks Committee:
- (e.) The Halifax Corporation will in no case be at the cost of the mains or meters required for such delivery:
- (f.) The price to be charged by the Brighthouse Corporation for water so delivered shall not in any case be less than fifty per centum in excess of the scale of charges for water sold for trade purposes within the borough of Halifax and it shall be sold subject to the same conditions for determining the supply and in all other respects as water is so sold by the Halifax Corporation within the borough of Halifax:
- (g.) The Brighthouse Corporation shall pay quarterly to the Halifax Corporation sixpence per one thousand gallons free of all charges whatsoever for any water which may be supplied to the Brighthouse Corporation under this article for use outside the borough of Brighthouse as indicated by the special

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meter or meters and in addition one half the excess of the water rent or charges for all such water supplied outside the said borough after deducting sixpence per one thousand gallons as the first cost of the water :

(h.) The prices from time to time charged by the Halifax Corporation for water for trade purposes shall without requiring special notice from the Halifax Corporation of such charges regulate the above scale of charges to be paid by the Brighouse Corporation to the Halifax Corporation if such prices be adopted by the Brighouse Corporation.

13. The Brighouse Corporation will pay to the Halifax Corporation on the first day of January one thousand eight hundred and ninety-six the sum of two thousand pounds the agreed consideration for the transfer to the Brighouse Corporation of the eight-inch main pipes break tank valves appliances and fittings the property of the Halifax Corporation lying between the meter house at Slead Syke and the boundary of the borough of Brighouse at or near to a place called Pocket Stile on the Brighouse and Denholme Gate Road together with all the existing rights powers and privileges of the Halifax Corporation in respect of the supply of gas and water within the district of Hove Edge and upon such payment the said main pipes and other property rights powers and privileges shall vest in the Brighouse Corporation.

14. The Brighouse Corporation will also purchase at a fair trade valuation all the water meters belonging to the Halifax Corporation within the district of Hove Edge and used for the purpose of supplying private consumers with water.

15. The Halifax Corporation will render all assistance for the transfer to the Brighouse Corporation at a fair valuation of the main pipes valves meters and fittings at present the property of John Fox and William Travis.

16. The stationary meters at present fixed at Slead Syke shall be removed to a point near the boundary of the borough of Brighouse at Pocket Stile on the Brighouse and Denholme Gate Road and the cost of such removal shall be borne by the Brighouse Corporation.

17. The sums of money which may from time to time become payable by the Brighouse Corporation to the Halifax Corporation under this agreement shall except where otherwise provided be considered as becoming due by four quarterly payments in every year namely on the first day of January the first day of April the first day of July and the first day of October in each year (the first of such payments to be made on the first day of April one thousand eight hundred and ninety-six) and if such sums are not duly paid the same shall carry interest at the rate of five pounds per centum per annum until payment and the said quarterly payments and interest may be recovered by the Halifax Corporation from the Brighouse Corporation in any court of competent jurisdiction.

18. This agreement is subject to confirmation by Parliament but if the committee on the Bill make any alteration it shall be competent to either party to withdraw the agreement from the Bill And the Halifax Corporation agree not to oppose the said Bill so far as it may be necessary to give effect to this agreement.

19. In case of difference or dispute as to the sum or sums of money at any time payable to or claimed by the Halifax Corporation from the Brighthouse Corporation under this agreement the same shall be settled by arbitration under the provisions for arbitration of the Public Health Act 1875.

In witness whereof the Halifax Corporation and the Brighthouse Corporation have hereunto caused their corporate common seals to be affixed.

The corporate common seal of the borough of Halifax and the signature of Michael Booth Esquire mayor of the said borough were respectively affixed hereto in the presence of

KEIGHLEY WALTON
Town Clerk.



The corporate common seal of the borough of Brighthouse and the signature of William Smith Esquire mayor of the said borough were respectively affixed hereto in the presence of

JAMES PARKINSON
Town Clerk.



THE FOURTH SCHEDULE.

ACTS AND ORDERS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	Times from which the Repeal to operate.
9 & 10 Vict. cap. ccclxxxv.	An Act for sewerage draining and lighting the hamlet of Brighthouse in the township of Hipperholme-cum-Brighthouse in the parish of Halifax in the west riding of the county of York.	The whole of the Act except sections 54 and 56 set out in the Fifth schedule to this Act.	As from the passing of this Act.
28 Vict. cap. xxiv.	The Local Government Supplemental Act 1865.	So much of the Act as confirms a Provisional Order relating to the district of Brighthouse and the whole of that order.	As from the passing of this Act.
28 Vict. cap. xlix.	The Rastrick Gas Act 1865	The whole of the Act except section 39 set out in the Fifth Schedule to this Act and except such of the powers and provisions as are necessary to enable the company to carry out the provisions of this Act in regard to the sale of their undertaking and the distribution of the purchase and other moneys payable to them and the winding up of their affairs.	As from the transfer.

[Ch. cxxviii.] *Brighouse Corporation Act, 1895.* [58 & 59 VICT.]

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Session and Chapter.	Title or Short Title.	Extent of Repeal.	Times from which the Repeal to operate.
47 & 48 Vict. cap. ccxv.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884.	So much of the Act as confirms a Provisional Order relating to the district of Brighouse and the whole of that order.	As from the passing of this Act.
52 & 53 Vict. cap. cxxx.	The Rastrick Waterworks Act 1889.	The whole of the Act except section 56 set out in the Fifth Schedule to this Act.	As from the passing of this Act except as to section 85 and the agreement set out in the Second Schedule in regard to which the repeal shall operate as from the 1st day of January 1896.
53 & 54 Vict. cap. xlv.	Local Government Board's Provisional Orders Confirmation Act 1890.	So much of the Act as confirms a Provisional Order relating to the district of Brighouse and the whole of that order.	As from the passing of this Act.

THE FIFTH SCHEDULE.

ENACTMENTS SAVED FROM REPEAL.

PART I.

SECTIONS FROM THE ACT OF 1846.

Occupiers to repair private drains.

LIV. And be it enacted that the occupier of any house from which any branch or private drain now issues or shall hereafter issue into any of the public sewers drains culverts or watercourses within the said hamlet shall repair and cleanse the same when required by and according to the direction of the commissioners.

Vaults and drains to be kept in repair.

LVI. And be it enacted that all private vaults arches cellars sewers or drains now or hereafter to be made communicating with the common sewer within the said hamlet shall be kept in substantial repair by the owners thereof to the satisfaction of the commissioners and in case any such vault arch cellar sewer or drain shall at any time not be in substantial repair it shall be lawful for the commissioners to put the same into substantial repair and to recover the expenses incurred thereby from the owner or occupier thereof or the owner or occupier of any tenement to which such vault arch cellar sewer or drain may belong or with which the same may be connected and used and such owner or occupier shall

also forfeit a sum not exceeding twenty shillings for every day such vault arch cellar sewer or drain shall continue out of substantial repair after notice in writing shall have been given to him by the commissioners to repair the same and a reasonable time for completing such repair shall have elapsed after the service thereof.

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PART II.

SECTION FROM THE RASTRICK GAS ACT 1865.

39. The company may maintain repair and uphold the wrought-iron bridge or girder or tube with the connexions and pillars already prepared made erected or constructed by the original company to convey gas across the River Calder from the township of Rastrick to the township of Hartshead-cum-Clifton and also from time to time as occasion may require may replace and renew the same by erecting constructing and fixing any other wrought-iron bridge or girder or tube of the same or a like nature and at least equal in efficiency provided that every such bridge or girder or tube shall be of sufficient strength and so constructed as to span the whole of the said River Calder and the whole of the towing-path adjoining thereto and that the underside thereof be not less than fourteen feet six inches clear throughout above the level of the crown of the Anchor Pit Dam being the dam across the said river next below the said bridge or girder or tube The company shall during the construction or repair of the said bridge or girder or tube and of every renewed or substituted bridge or girder or tube leave a navigable waterway open and uninterrupted for a width of not less than thirty feet and twelve feet in height above the ordinary surface level of the said river there and in such part of the said river as shall be required by the engineer for the time being of the Company of Proprietors of the Calder and Hebble Navigation and shall in case such navigable waterway shall not adjoin the existing towing-path make and during such construction and repair as aforesaid maintain a proper and sufficient temporary towing-path of not less width than eight feet in addition to the said clear waterway of thirty feet so that the navigation of vessels upon the said river may not be obstructed or impeded Provided always that the Company shall not commence to construct any substituted bridge or girder or tube or repair any bridge or girder or tube hereby authorised in any manner that may interfere with the navigation of the said river until seven days after notice in writing shall have been given to the said company of proprietors or their engineer for the time being of their intention to construct or repair the same and that wheresoever any bridge or girder or tube or pipe main or other work the construction whereof is by this Act authorised shall cross intersect or interfere with any brook stream or spring of water now falling into or supplying the said River Calder or any cut or canal belonging to the said company of proprietors the company shall at their own expense cause the same to be carried over or under the said works and into the said river cut or canal at their present places and levels to the intent that the supply of water to the said river cuts and canals may not in any manner be diminished or prejudiced.

For conveying
gas across the
River Calder.

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PART III.

SECTION FROM THE RASTRICK WATERWORKS ACT 1889.

For the protection of the Lancashire and Yorkshire Railway Company.

56. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (herein-after referred to as "the railway company") shall have full force and effect and be binding upon the company and their assigns:—

In laying down or in executing the repairs or renewals of any main pipes or other works of the company for the supply of water within the limits of this Act (whether now existing or hereafter to be laid down under the powers of this Act) or in the removal or alteration thereof upon across over or under the railways stations tunnels bridges approaches or other works lands or property now or hereafter belonging to or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the railway company and according to such plans and in such manner as shall be previously submitted to and reasonably approved by such engineer and by and at the expense in all things of the company who shall restore and make good the roads over any bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any works or operations of the company.

If by reason of any works or proceedings of the company or their workmen or of the failure leakage or bursting of any works or pipes of the company in under or near to any tunnel bridge or level crossing of the railway company the said railways tunnels bridges or approaches thereto or any of the works thereof shall be injured or damaged such injury or damage shall be forthwith made good by the company at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the railway company may make good the same and recover the reasonable expense thereof from the company with full costs by all and the same means as any simple contract debt of like amount is recoverable and the company shall also make good and repay to the railway company any loss damage or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works.

Any dispute or difference with respect to the true intent and meaning of this section or with respect to the mode of giving effect thereto shall be settled by an engineer to be appointed (on the application of either party) by the president for the time being of the Institution of Civil Engineers.

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