



CHAPTER xcv.

An Act to confer powers on the mayor aldermen and burgesses of the county borough of Huddersfield for the construction of tramways street works and water-works to purchase the undertaking of the Commissioners of the Deanhead Reservoir to extend the borough boundaries and to make further and better provision with regard to the tramways water and other undertakings of the Corporation and for other purposes.

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[15th August 1913.]

WHEREAS the county borough of Huddersfield in the West Riding of the county of York (in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation"):

And whereas the Acts and Orders specified in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are now in force in the borough and elsewhere conferring various powers upon the Corporation and are hereinafter referred to collectively as "the recited Acts" and each of them separately as an Act or Order of the year in which the same was passed or made except where any of such Acts or Orders are referred to under their respective short titles:

And whereas extensive powers with regard to the supply of water and the construction of tramways and with regard to the improvement and government of the borough have been conferred upon the Corporation by the recited Acts:

And whereas by certain of the recited Acts the Corporation were authorised to lay down within and beyond the borough the tramways in those Acts mentioned and the powers therein

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And whereas the Corporation have constructed and are working the tramways authorised by the recited Acts and it is expedient that the Corporation should be empowered to construct and maintain the additional tramways in this Act described and to work the same by electrical power :

And whereas it is expedient that provision should be made as in this Act contained with respect to the provision and use by the Corporation of trolley vehicles and motor omnibuses :

And whereas it is expedient that the Corporation should be authorised to construct the street works by this Act authorised :

And whereas the trade and population and the demand for water within the limits of supply of the Corporation have increased and are still increasing and the existing reservoirs and works of the Corporation do not afford a supply of water sufficient for the requirements of the public within those limits :

And whereas by an Act passed in the first and second years of the reign of Her late Majesty intituled “An Act for making and maintaining a reservoir at Deanhead in the parish of Huddersfield in the West Riding of the county of York and for other purposes relating thereto” (hereinafter referred to as “the Act of 1838”) certain Commissioners (hereinafter called “the Deanhead Commissioners”) were incorporated and empowered to construct and they have accordingly constructed the reservoir known as the Deanhead Reservoir and by that Act and an Act passed in the fourth and fifth years of the reign of Her late Majesty intituled “An Act to amend an Act of Her present Majesty for making and maintaining a reservoir at Deanhead in the parish of Huddersfield in the West Riding of the county of York” (hereinafter referred to as “the Act of 1841”) powers were conferred upon the Deanhead Commissioners to levy rates and to borrow money on the security thereof :

And whereas by the Deanhead Commissioners Act 1889 further powers were conferred upon the Deanhead Commissioners for the construction of additional works and for the supply of water in bulk :

And whereas the Deanhead Commissioners have from time to time in exercise of the aforesaid powers borrowed various sums of money on mortgage on the security of the rates aforesaid :

And whereas an agreement has been entered into between the Deanhead Commissioners of the first part certain mill owners and occupiers named and described in the schedule to such agreement of the second part and the Corporation of the third part for the transfer to the Corporation of the undertaking of the Deanhead Commissioners and it is expedient that that agreement be confirmed and the said undertaking transferred to the Corporation:

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And whereas it is expedient that the Corporation should be authorised to construct the additional waterworks by this Act authorised:

And whereas it is expedient that power should be conferred on the Corporation with respect to the taking of lands as in this Act set forth:

And whereas it is expedient that the boundaries of the borough should be extended so as to include the Lindley Recreation Ground belonging to the Corporation:

And whereas estimates have been prepared by the Corporation in relation to the following purposes:—

For the construction of tramways eighty-three thousand five hundred and seventy-five pounds;

For the provision of electrical equipment and other works in connection with the tramways by this Act authorised twenty-seven thousand six hundred and ninety-nine pounds;

For the provision of rolling-stock in connection with the Corporation tramways nine thousand pounds;

For the provision of electrical equipment and other works for the purpose of working trolley vehicles two thousand eight hundred and four pounds;

For the provision of trolley vehicles one thousand five hundred pounds;

For the provision of motor omnibuses one thousand eight hundred pounds;

For the purchase of lands for and the construction of street works two thousand five hundred and thirty pounds;

For the purchase of lands for and the construction of waterworks twenty-one thousand one hundred and seventy pounds:

And whereas the several works and purposes mentioned in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

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And whereas the said street works will be situate in the urban district of Elland and under an agreement dated the fourth day of December one thousand nine hundred and twelve made between the Corporation of the one part and the urban district council of Elland of the other part the said district council agreed to construct the said works or some part thereof and it is expedient that the said district council should be authorised to raise moneys therefor:

And whereas it is expedient that the Corporation should be authorised to raise moneys for the remainder of the purposes aforesaid and that the other provisions contained in this Act should be enacted:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which the Corporation may acquire under this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required and which may be taken under the powers of this Act have been deposited with the clerk of the peace for the West Riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the *Huddersfield Corporation Act 1913*.

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

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Act divided
into parts.

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Trolley Vehicles.

Part IV.—Provisions common to Tramways and Trolley Vehicles.

Part V.—Motor Omnibuses.

Part VI.—Street Works.

Part VII.—Water.

Part VIII.—Lands.

Part IX.—Extension of Borough.

Part X.—Finance.

Part XI.—Miscellaneous.

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 in-
corporated.

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845:

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870:

The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

4. In this Act unless the subject or context otherwise requires—

Interpreta-
tion.

“The existing borough” means the county borough of Huddersfield as it existed immediately prior to the passing of this Act;

“The borough” means the borough as extended by this Act;

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- “The Corporation” means the mayor aldermen and burgesses of the borough;
- “The council” means the council of the borough;
- “The borough fund” and “borough rate” mean respectively the borough fund and borough rate of the borough;
- “The tramways” means the tramways by this Act authorised;
- “The corporation tramways” means the tramways authorised by this Act and all tramways for the time being belonging to leased to or run over or worked by the Corporation and includes any vehicles moved by mechanical power transmitted to such vehicles from some external source;
- “The water undertaking” means the waterworks undertaking for the time being of the Corporation;
- “The day of transfer” means the day next after the expiration of three months from the date of the passing of this Act;
- “The Deanhead Commissioners” means the Commissioners of the Deanhead Reservoir;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same;
- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;
- “The county” and “the county council” mean respectively the county of the West Riding of Yorkshire and the county council of that county;
- “The added area” means that part of the urban district of Stainland-with-Old Lindley which is added to the existing borough by this Act;
- “The appointed day” means the first day of April one thousand nine hundred and fourteen;
- “The recited Acts” means the unrepealed provisions of the local Acts specified in the First Schedule to this Act and the Provisional Orders relating to the borough confirmed by the Acts also specified in the same schedule and each of those Acts and Orders is

separately referred to as the Act or Order of the year A.D. 1913.
in which it was passed or confirmed except where any
of such Acts or Orders are referred to under their
respective short titles;

“The Act of 1838” means the Act 1 and 2 Vict. cap. lxiv.
“intituled “An Act for making and maintaining
“a reservoir at Deanhead in the parish of Huddersfield
“in the West Riding of the county of York and for
“other purposes relating thereto”;

“The Act of 1841” means the Act 4 and 5 Vict. cap. lx.
“intituled “An Act to amend an Act of Her present
“Majesty for making and maintaining a reservoir at
“Deanhead in the parish of Huddersfield in the West
“Riding of the county of York”;

“The Act of 1889” means the Deanhead Commissioners
Act 1889:

Words and expressions to which meanings are assigned by
enactments incorporated with this Act have in this Act
the same respective meanings unless there be something
in the subject or context repugnant to such construction.

PART II.

TRAMWAYS.

5. Subject to the provisions of this Act the Corporation Power to
make tram-
ways.
may make form lay down work use and maintain the tramways
hereinafter described in the lines and according to the levels
shown on the deposited plans and sections and in all respects
in accordance with those plans and sections with all proper
rails plates works and conveniences connected therewith (that
is to say):—

Tramway No. 2 About 2 miles 3 furlongs 4·78 chains in
length whereof 1 mile 2 furlongs 1·38 chains will be
single line and 1 mile 1 furlong 3·40 chains will be
double line wholly in the parishes of Greetland in the
urban district of Greetland Elland in the urban district of
Elland and Fixby in the rural district of Halifax com-
mencing in the said parish of Greetland in Saddleshorth
Road at a point 40 yards east of Halifax Road passing
thence along the said Saddleshorth Road Long Wall
Westgate Jepson Lane Victoria Road Southgate Hudders-
field Road and there terminating by a junction with the

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existing tramway of the Corporation at the boundary between the said parish of Fixby and the borough:

Tramway No. 3 A double line about 2 miles 4 furlongs 6·21 chains in length wholly in the parishes of Marsden in the urban district of Marsden Slaithwaite in the urban district of Slaithwaite and Linthwaite in the urban district of Linthwaite commencing in the said parish of Marsden in the Wakefield and Austerlands Road at a point 50 yards east of Wessenden Brook passing thence along the said Wakefield and Austerlands Road and there terminating in the said parish of Linthwaite by a junction with the existing tramway of the Corporation 3 yards north-east of the boundary between the said parishes of Slaithwaite and Linthwaite at Kitchen Clough:

Tramway No. 4 About 4 furlongs 8·86 chains in length whereof 4 furlongs 5·86 chains will be single line and 3·0 chains will be double line wholly in the parish of Longwood in the borough commencing in Longwood Gate at its junction with Dodlee Lane passing thence along Longwood Gate and terminating by a junction with the termination of the existing tramway of the Corporation in Thornhill Road Longwood:

Tramway No. 5 About 3 furlongs 1 chain in length whereof 2 furlongs 7·82 chains will be single line and 3·18 chains will be double line wholly in the parish of Lockwood in the borough commencing in Blackmoorfoot Road at the junction of that road with Crosland Hill Road passing thence along Blackmoorfoot Road and terminating by a junction with the termination of the existing tramway of the Corporation in Barton Road at the junction of that road with Dryclough Road:

Tramway No. 6 About 1 mile 3 furlongs 6·68 chains in length whereof 1 mile 2 furlongs 6·95 chains will be single line and 9·73 chains will be double line wholly in the parish of Dalton in the borough commencing by a junction with the existing tramway of the Corporation in Wakefield Road at a point 45 yards south-west of Birkhouse Lane passing thence along Wakefield Road Broad Lane Long Lane Briggate Crosley Lane and there terminating at the junction of Crosley Lane with School Lane:

Tramway No. 7 About 1 furlong 5·75 chains in length whereof 9·39 chains will be single line and 6·36 chains

will be double line wholly in the parish of Huddersfield in the borough commencing in Bradford Road by a junction with the existing tramway of the Corporation at a point 10 yards north of Beaumont Street passing thence along the said Bradford Road and Beaumont Street into and along Leeds Road and there terminating by a junction with the existing tramway of the Corporation at a point 20 yards south of Beaumont Street :

Tramway No. 8 A single line about 2·60 chains in length wholly in the parish of Huddersfield in the borough commencing in Beaumont Street by a junction with the proposed Tramway No. 7 at a point 23 yards west of Great Northern Street passing thence along Beaumont Street into and along Great Northern Street and there terminating by a junction with the existing tramway of the Corporation at a point 57 yards north of Beaumont Street :

Tramway No. 9 About 3 furlongs 0·60 chain in length whereof 2 furlongs 7·60 chains will be single line and 3 chains will be double line wholly in the parish of Huddersfield in the borough commencing in Leeds Road by a junction with the existing tramway of the Corporation at a point 29 yards north of Gasworks Street passing thence along Leeds Road Gasworks Street and St. Andrew's Road and there terminating on the west side thereof at a point 55 yards north of Turnbridge Road :

Tramway No. 10 A single line about 0·64 chain in length wholly in the parish of Huddersfield in the borough commencing in Gasworks Street by a junction with the proposed Tramway No. 9 at a point 70 yards east of Leeds Road passing thence along Gasworks Street and there terminating on the south side thereof at a point 81 yards east of Leeds Road :

Tramway No. 11 A single line about 0·54 chain in length wholly in the parish of Huddersfield in the borough commencing in Gasworks Street by a junction with the proposed Tramway No. 9 at a point 92 yards east of Leeds Road passing thence along Gasworks Street and there terminating on the south side thereof at a point 104 yards east of Leeds Road :

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Tramway No. 12 A single line 0·50 chain in length wholly in the parish of Huddersfield in the borough commencing in Gasworks Street on the north side thereof at a point 110 yards east of Leeds Road and passing thence along Gasworks Street and there terminating by a junction with the proposed Tramway No. 9 at a point 101 yards east of Leeds Road:

Tramway No. 13 A single line about 8·20 chains in length wholly in the parish of Huddersfield in the borough commencing in St. Andrew's Road on the west side thereof at a point 61 yards north of Grove Road and passing thence along St. Andrew's Road and Gasworks Street and there terminating by a junction with the proposed Tramway No. 9 at a point 40 yards west of St. Andrew's Road:

Tramway No. 14 A single line about 2·60 chains in length wholly in the parish of Huddersfield in the borough commencing in Grove Road on the south side thereof at a point 49 yards west of St. Andrew's Road and passing thence along Grove Road into and along St. Andrew's Road and there terminating by a junction with the proposed Tramway No. 13 at a point 14 yards south of Grove Road:

Tramway No. 15 A single line about 2·30 chains in length wholly in the parish of Huddersfield in the borough commencing in St. Andrew's Road by a junction with the proposed Tramway No. 13 at a point 14 yards north of Gasworks Street and passing thence along St. Andrew's Road and there terminating by a junction with the proposed Tramway No. 9 at a point 35 yards south of Gasworks Street:

Tramway No. 16 About 2 furlongs 1·95 chains in length whereof 9 chains will be single line and 1 furlong 2·95 chains will be double line wholly in the parish of Huddersfield in the borough commencing in New Street by a junction with the existing tramway of the Corporation at a point 15 yards north of Ramsden Street passing thence along New Street Ramsden Street and Queen Street South and there terminating by a junction with the existing tramway of the Corporation at a point 13 yards south of East Parade.

All the tramways shall be constructed on the same gauge as the existing tramways of the Corporation that is to say on a gauge of 4 feet 7 $\frac{3}{4}$ inches or such other gauge as may from time to time be approved by the Board of Trade and there shall not be run thereon carriages or trucks adapted for use on railways.

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6.—(1) So much of Tramway No. 2 as is to be constructed in and along that portion of the carriageway of the streets and roads known as Long Wall Westgate and Jepson Lane which is co-extensive with the limits within which the street works authorised by the section of this Act of which the marginal note is "Power to make street works" are to be executed shall not be constructed unless and until the said portion of the carriageway is so widened that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath and the nearest rail of the tramway.

Certain tramways not to be constructed until streets widened.

(2) Tramway No. 9 shall not be constructed unless and until the carriageway at the junction of St. Andrew's Road and Gasworks Street is so widened that a space of not less than 9 feet 6 inches shall intervene between the outside of the footpath and the nearest rail of the tramway.

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

Period for completion of works.

8. The following sections of the recited Acts shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways or tramway works by this Act authorised:—

Applying certain provisions of recited Acts to tramways.

Of the Act of 1900—

Section 9 (Tramways to be kept on level of surface of road);

Section 10 (As to rails of tramways);

Section 11 (Further provisions as to construction of tramways);

Section 12 (Penalty for not maintaining rails and roads);

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- Section 13 (Passing places to be constructed where less than a certain width left between footway and tramway);
- Section 14 (Power to make additional crossings &c.);
- Section 15 (Temporary tramway to be made where necessary);
- Section 16 (Power to lay down double or interlacing lines in place of single lines and vice versa);
- Section 17 (Corporation may reduce width of footway for constructing tramway);
- Section 18 (Local authority to have access to sewers);
- Section 19 (Application of road materials excavated in construction of works);
- Section 24 (Corporation may take up lines for purposes of constructing others);
- Section 37 (Power to Corporation to work tramways);
- Section 39 (Traffic upon tramways);
- Section 40 (Corporation not bound to carry goods);
- Section 41 (Provision as to carriage of animals goods &c. in separate carriages);
- Section 42 (Tramways to form part of tramway undertaking of Corporation);
- Section 43 (Payment of tolls);
- Section 56 (Provision as to general Tramway Acts):

Of the Huddersfield Corporation Tramways Order 1903—

Section 7 (Alteration of tramways):

Provided that the provisions of the said section 14 of the Act of 1900 shall be exerciseable only with the consent of the Board of Trade.

Alteration of gauge of Corporation tramways.

9. The Corporation may from time to time alter the existing gauge of any of the Corporation tramways to such other gauge as the Board of Trade may approve and for that purpose may lay a third rail or may take up and remove all or some of the existing rails plates and apparatus and other works of or connected with any of the said tramways and may relay the same or others in lieu thereof and may execute all such works and may exercise all such powers as may be necessary or expedient for carrying out such alteration Provided always

that if in the construction of any works under this section any rail is intended to be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

10. The provisions of section 28 (For protection of London and North Western and Lancashire and Yorkshire Railway Companies) and section 30 (For further protection of Lancashire and Yorkshire Railway Company) of the Act of 1900 shall so far as applicable extend and apply and be binding upon the Corporation in exercising the powers contained in the section of this Act the marginal note whereof is "Alteration of gauge of Corporation tramways."

For protection of London and North Western and Lancashire and Yorkshire Railway Companies.

11.—(1) Notwithstanding anything to the contrary contained in any Act order byelaw or regulation the Corporation may with the consent of the Board of Trade provide maintain work and use trailer carriages and coupled carriages on the Corporation tramways on such routes and at such times as the Board of Trade may approve and for such periods and on such terms and conditions as may be expressed in such approval and the Board of Trade may revoke any such approval Provided that the Corporation shall not in exercising the powers in this section contained obstruct or interfere with the free passage of persons or vehicles to or from the entrances to or exits from the stations of any railway company and trailer carriages or coupled carriages shall not without the consent of such company be stopped for the distance extending in front of the said entrances or exits and for a length of ten yards at each end of such entrance or exit except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers.

Power to use trailer and coupled carriages.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted

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with such brakes and safety appliances as the Board of Trade may approve and no trailer carriage or coupled carriage shall be used by the Corporation of a design not approved by the Board of Trade for the purpose.

(3) Except so far as the Board of Trade may otherwise allow the number of carriages or vehicles which may be used or run attached together in each case shall not exceed two.

Power to require intending passengers to wait in lines or queues.

12. The Corporation may make byelaws requiring persons waiting to enter carriages at any stopping place or terminus upon any of the Corporation tramways to wait in lines or queues and to enter such carriages in the order in which they stand in such line or queue and the provisions of the Tramways Act 1870 as to byelaws shall apply to such byelaws.

Power to reserve carriages for special purposes.

13.—(1) Notwithstanding anything contained in any Act to the contrary the Corporation may run and reserve carriages on any of the Corporation tramways for any special purpose which the Corporation may consider necessary or desirable and the Corporation may make byelaws and regulations for prohibiting the use of any such carriages by any persons other than those for whose conveyance such carriages are reserved Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

(2) The provisions of the Tramways Act 1870 as to byelaws shall apply to any byelaws made under this section.

Restrictions not to apply to special carriages.

14. The restrictions contained in the recited Acts as to tolls or charges for passengers shall not extend to any special carriages run upon the Corporation tramways or to any special service of carriages on extraordinary occasions and in respect thereof the Corporation may demand and take such tolls or charges as they shall think fit but such restrictions shall apply only to the ordinary carriages or service of carriages appointed from time to time for the conveyance of passengers on the Corporation tramways Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

As to running through carriages.

15. The Corporation may run through carriages along any of the routes of the Corporation tramways or any portion thereof specified by the Corporation and such carriages shall be distinguished from other carriages in such manner as may be directed by the Corporation and they may demand and take

for every passenger by such carriages a toll or charge not exceeding the maximum toll or charge allowed by the Acts relating to the Corporation tramways for and in respect of the whole of such route or the whole of the portion thereof traversed by any such carriage Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

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16. Notwithstanding anything contained in any of the recited Acts or this Act the Corporation may enter into and carry into effect agreements with any local or road authority within whose district any of the Corporation tramways may be laid for the use of any of such tramways for the sanitary purposes of such local or road authorities and for the collection and conveyance of scavenging stuff road metal night-soil dust refuse and other materials arising from used by or connected with any undertaking or department of any such local or road authorities.

Agreements with local authorities as to use of tramways for sanitary and other purposes.

17. The agreement dated the fourth day of December one thousand nine hundred and twelve made between the Corporation of the one part and the urban district council of Elland of the other part and the agreement dated the fifth day of December one thousand nine hundred and twelve made between the Corporation of the one part and the urban district council of Marsden of the other part as respectively set out in the Second Schedule to this Act are hereby confirmed and made binding on and shall be carried into effect by the respective parties thereto Any moneys payable by either of the said urban district councils under or in pursuance of the said agreements shall be defrayed out of the district fund and general district rate of their respective districts.

Confirmation of agreements with Elland and Marsden District Councils.

18. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Morley (in this section referred to as "the Morley Corporation") shall in addition to any other provisions for their protection contained in this Act or in any Act incorporated therewith apply and have effect unless otherwise agreed in writing between the Morley Corporation and the Corporation (that is to say):—

For protection of Morley Corporation.

- (1) Before commencing so much of Tramway No. 2 authorised by this Act as lies within a distance of twenty yards from any water main or pipe or

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—

apparatus connected therewith belonging to the Morley Corporation (in this section referred to as "water apparatus") the Corporation shall give one month's notice in writing to the Morley Corporation of their intention to commence the same and shall at the same time deliver to the Morley Corporation plans and sections of the works proposed to be constructed as aforesaid :

- (2) If in the construction of so much of Tramway No. 2 as aforesaid the Corporation shall propose to reduce the depth of covering over any water apparatus or shall propose to interfere with or impede the passage of water through the same or to construct the said works over any such water apparatus the Morley Corporation may within one month after delivery of any such plans and sections give notice in writing to the Corporation to lower reconstruct or otherwise alter or protect the position of such water apparatus in such manner as may be necessary and any difference as to the necessity of any such lowering reconstruction alteration or protection shall be settled by arbitration under the provisions of this section and all alterations to be made to any such water apparatus by reason of the construction of the said works shall be made after not less than forty-eight hours' notice in writing by the Corporation to the Morley Corporation by and at the expense of the Corporation and with as little detriment and inconvenience to the Morley Corporation as the circumstances will admit and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the Morley Corporation Provided that if the Morley Corporation give notice in writing to the Corporation within seven days after the receipt by them of the notice prescribed by subsection (1) of this section that they desire themselves to execute the necessary works of lowering reconstruction alteration or protection of any such water apparatus the Morley Corporation may themselves execute such works and the Corporation shall on the completion thereof pay to the Morley Corporation the expenses reasonably incurred by them in so doing :

(3) The Corporation shall pay to the Morley Corporation the reasonable costs incurred by them in connection with the superintendence by their engineer in subsection (2) of this section mentioned: A.D. 1913.

(4) The Corporation in making so much of Tramway No. 2 as aforesaid shall not interfere with remove or displace any water apparatus or do anything to impede the passage of water into or through such apparatus without the consent of the Morley Corporation until good and sufficient water apparatus necessary for continuing the supply of water as efficiently as the same was supplied by the apparatus proposed to be interfered with removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and properly connected with the existing apparatus which is not removed or displaced to the reasonable satisfaction of the engineer of the Morley Corporation:

(5) The Corporation in making maintaining or working Tramway No. 2 shall make good all damage done by them to any water apparatus:

(6) The Morley Corporation shall not be liable for any injury caused to the tramways or the works or conveniences connected therewith by reason of the bursting or failure of any main of the Morley Corporation:

(7) If any difference shall arise between the Morley Corporation and the Corporation under the provisions of this section such difference shall be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either of the parties in difference after notice in writing to the other of them and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

19. The following provisions for the protection of the County Council of the West Riding of Yorkshire (in this section called "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing apply and have effect with respect to the construction of tramways on main roads and bridges repairable by or at the expense of the county council:—

For protection of West Riding County Council.

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(1) The tramways shall not be opened for traffic on the under-mentioned main roads until the metalled carriageway of such roads has been widened to the extent hereinafter specified (that is to say):—

(a) The Rochdale Halifax and Elland main road in the urban district of Elland and the Elland and Saddleworth main road in the urban district of Greetland to twenty-seven feet between the points A and B shown on the plans signed in duplicate by Kenneth Findlater Campbell on behalf of the Corporation and by Frederick George Carpenter on behalf of the county council;

(b) The Wakefield and Austerlands main road in the urban district of Marsden between the points C and D shown on the said plans to the extent shown by the red line thereon;

(c) By the removal of the steps projecting on to the said road at the point E shown on the said plans;

(d) In addition to the widenings hereinbefore specified the metalled portion of the carriageway of the main roads upon which the tramways are authorised to be constructed shall be widened by adding thereto any available roadside waste now part of the highway but to no greater width than thirty-two feet six inches where a double line is to be laid nor than twenty-seven feet where a single line is to be laid:

(2) Such widenings may at the request of the Corporation be executed by the county council but if the Corporation carry out such widenings they shall to the reasonable satisfaction of the county council form with proper foundations and macadamise and make good with the same materials as the adjoining existing roadway the portions added to such roadway and make proper provision for drainage (where practicable) and fencing (where necessary) and all such works shall be carried out in conformity with plans sections and specifications to be approved by the county council Provided that if the county council do not within twenty-eight days after receipt by them of

such plans sections and specifications signify their approval or disapproval thereof or give their directions in relation thereto they shall be deemed to have approved thereof: A.D. 1913.

- (3) (a) The cost of executing the aforesaid widening of the Rochdale Halifax and Elland main road between the points A and B shown on the said plans shall be borne in the first instance by the Corporation and on the completion of such works the county council and the urban councils of the districts in which such works are executed shall contribute to such cost in such proportions as may be agreed by them respectively with the Corporation;
- (b) The cost of executing the other road widenings and works aforesaid shall be borne as may be agreed between the Corporation and the urban councils of the districts in which the works are executed provided that the county council shall pay to the Corporation one half of the cost of acquiring and taking down the Old Toll House situate in the urban district of Marsden between the points C and D shown on the said plans:
- (4) The street works by Part VI. of this Act authorised shall so far as they relate to any main road be completed before the tramways on such road are opened for traffic:
- (5) Tramway No. 2 at the following places on the Halifax and Huddersfield main road in the urban district of Elland shall be constructed at such side of the road as may be determined by the surveyor of the county council with the approval of the Board of Trade:—
- (1) Between the points 1 mile 1·48 chains and 1 mile 2 furlongs 0·98 chain from the commencement of that tramway;
- (2) Between the points 2 miles 3·58 chains and 2 miles 2 furlongs 0·58 chain from the commencement of that tramway:
- (6) The Corporation shall put down at their own cost at such places along the tramway as may be reasonably

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required by the county council suitable drain boxes and drains (not exceeding ten yards in length) to properly drain surface water from the track to existing channels or outlets :

- (7) If in consequence of the construction or working of the tramways it becomes necessary within eighteen months from the construction of the said tramways to raise strengthen or reconstruct with suitable foundations of materials similar to the existing roadway any portions of a main road whether metalled or unmetalled at the sides of the tramways or to adjust in level or otherwise any such portions of such roads or any footpath or other work or to strengthen any retaining wall the cost of executing such work shall be borne by the Corporation :
- (8) Before commencing to construct the tramways in a main road the Corporation shall deliver to the county council a plan showing the proposed position thereof in the road If the county council have any objection to the construction of the tramways in accordance with such plan they shall give notice thereof in writing to the Corporation and if the county council and the Corporation are unable to agree as to the said plan any difference between them shall be determined as hereinafter provided Provided that if the county council do not give such notice within twenty-eight days after receiving the said plan they shall be taken to have agreed thereto :
- (9) The position of all posts standards boxes and their several attachments erected by the Corporation in a main road shall be such as the said surveyor may reasonably approve Provided that—
- (a) If before the erection of any such posts standards boxes and attachments the Corporation deliver to the county council a plan showing the proposed position thereof and the said surveyor does not within fourteen days give notice to the Corporation of any objection the county council shall be taken to have agreed to the position of such posts standards boxes and attachments as shown by the said plan ;

(b) If any post box or overhead wire becomes owing to any road improvement or to the construction of any new road or otherwise in the opinion of the county council an obstruction the Corporation shall alter the position thereof in such manner as the county council direct but the Corporation may appeal against such direction to the Board of Trade and the decision of the Board shall be final: A.D 1913.

- (10) The Corporation shall at all times during the construction repair or renewal of the tramways or any part thereof in a main road make all necessary and reasonable provisions for the proper regulation of the ordinary traffic of the road and shall keep unobstructed so much of the road as the surveyor of the district council shall reasonably deem adequate for the free and safe passage thereon of vehicles and foot passengers and shall after completion of the part of the tramways under construction repair or renewal leave the portion of the road so required to be kept unobstructed in as good repair as the same was in when the work was commenced:
- (11) The Corporation shall pave the portion of road referred to in section 28 of the Tramways Act 1870 with such granite setts as may be agreed upon between the engineer of the Corporation and the surveyor of the county council or as failing agreement may be determined as hereinafter provided:
- (12) The consent of the county council shall be necessary to the alteration pursuant to section 16 of the Act of 1900 of a tramway in any main road:
- (13) If any difference arises between the Corporation and the county council under this section such difference shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party:
- (14) In case any widening executed by the Corporation or the county council under the provisions of this section shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the said Act shall apply to

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such alteration as aforesaid and the Corporation and the council (as the case may be) shall be deemed to be "undertakers" within the meaning of the said Act.

For protection of London and North Western Railway Company.

20. Tramway No. 9 by this Act authorised shall be constructed and maintained subject to the provisions of section 27 (For protection of London and North Western Railway Company) of the Act of 1906 and that section shall apply to the said tramway as though that tramway were referred to therein in place of Tramway No. 6 by the said Act authorised.

PART III.

TROLLEY VEHICLES.

Power to use trolley vehicles.

21. The Corporation may provide maintain and equip (but shall not manufacture) mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon a route wholly in the borough commencing in New Hey Road at the boundary between the urban district of Scammonden and the borough and passing thence along New Hey Road and terminating by a junction with the existing tramway of the Corporation in that road.

As to electrical works.

22.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

23. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

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Corporation to have exclusive right of using apparatus for working trolley vehicles.

24. If the electrical equipment and apparatus for the working of trolley vehicles on the route by this Act authorised be not placed and erected within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for placing and erecting the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of trolley vehicle apparatus.

25. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor-cars within the meaning of the Motor Car Act 1903 except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Vehicles not to be deemed light locomotives or motor cars.

26. Nothing in this Act shall in any way affect the duties of Excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

As to licence duties on trolley vehicles.

27. Trolley vehicles and the working equipment shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade or which including the weight of its load shall exceed a weight of seven tons.

Approval of trolley vehicles and equipment by Board of Trade.

28.—(1) Trolley vehicles may be used for the carriage of passengers and personal luggage carried by passengers and not exceeding twenty-eight pounds in weight.

Fares rates and charges.

(2) The Corporation may demand and take in respect of the carriage of passengers upon trolley vehicles fares rates and charges not exceeding the fares rates and charges which the

A.D. 1913. Corporation could have charged if such vehicles had been carriages upon the tramways of the Corporation.

(3) The Corporation may demand and take in respect of the carriage of parcels upon trolley vehicles rates and charges not exceeding the rates and charges which the Corporation could have charged for the carriage of parcels if such vehicles had been carriages upon the tramways of the Corporation.

Payment of fares rates and charges.

29. The fares rates and charges which the Corporation are empowered to charge under the provisions of this Act shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.

Board of Trade may authorise new routes.

30.—(1) If the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 within the borough (other than the streets or roads in this Act hereinbefore referred to) they may make application to the Board of Trade describing the route and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

- (a) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;
- (b) Have also published such notice once in the months of October or November in the London Gazette;
- (c) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the Schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act:

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order to be obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets

A.D. 1913. — or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Trolley vehicles to be part of tramway undertaking of Corporation.

31. Subject to the provisions of this Act trolley vehicles and the apparatus in connection therewith shall for all purposes be deemed to form part of the tramway undertaking of the Corporation.

Conveyance of mails.

32. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

PART IV.

PROVISIONS COMMON TO TRAMWAYS AND TROLLEY VEHICLES.

Applying certain provisions of recited Acts to tramways and trolley vehicles.

33. The following sections of the recited Acts shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways or tramway works by this Act authorised and to trolley vehicles and the apparatus and equipment for working the same:—

Of the Act of 1900—

- Section 8 (Inspection by Board of Trade);
- Section 20 (Provisions as to motive power);
- Section 21 (Special provisions as to use of electrical power);
- Section 23 (Power to attach brackets &c. to buildings);
- Section 44 (Passengers' luggage);
- Section 45 (As to fares on Sundays or holidays);
- Section 46 (Cheap fares for labouring classes);
- Section 47 (Periodical revision of rates and charges);
- Section 48 (Byelaws);
- Section 49 (Amendment of Tramways Act 1870 as to byelaws by Corporation);
- Section 50 (Orders &c. of Board of Trade):

Of the Huddersfield Corporation Tramways Order 1903—

- Section 9 (For protection of Postmaster-General):

Of the Act of 1906—

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Section 25 (Apparatus used for mechanical power to be deemed part of tramways);

Section 26 (Penalty for malicious damage);

Section 51 (Trees or shrubs overhanging streets):

Of the Order of 1907—

Section 7 (Use of tramway posts by Postmaster-General):

Provided that no post or other apparatus for working tramways or trolley vehicles shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

34. The Corporation may use any of the Corporation tramways or trolley vehicles for the removal and disposal of dust refuse night-soil materials goods and other things for the use of the Corporation free of all tolls and charges in respect of such use and may provide depôts in connection therewith and control and manage the same.

Use of tramways &c. for removal of refuse.

35. The Corporation may attach to any lamp-posts poles standards or other similar erections erected on or in the highway on or near to the route of any of the Corporation tramways or trolley vehicles signs or directions indicating the position of stopping places for cars running on such tramways or for trolley vehicles provided that the Corporation shall give notice in writing to the owner of any such lamp-post pole standard or similar erection of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment:

Attachment of signs indicating stopping places to lamp posts &c.

Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes:

Provided also that the Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

36. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in

Accounts.

A.D. 1913. — connection with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

For protection of Yorkshire Electric Power Company.

37. Notwithstanding anything in this Act contained the following provisions shall apply and have effect for the protection and benefit of the Yorkshire Electric Power Company (in this section called "the Power Company") unless otherwise agreed in writing between the Corporation and the Power Company (that is to say):—

(a) The Corporation shall not without the consent in writing of the Power Company attach to any poles standards or other similar erections of the Power Company any sign notice or direction:

(b) Nothing in this Act shall extend to or authorise any interference with any works of the Power Company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of the Power Company constructed or placed upon or above the level of the ground.

PART V.

MOTOR OMNIBUSES.

Power to provide and run omnibuses.

38.—(1) The Corporation may provide (but shall not manufacture) motor omnibuses and may run the same within the borough demanding and taking such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses but the Corporation shall not create or permit a nuisance on any such lands.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses Provided that any such byelaws shall be made

subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws. A.D. 1913.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

39. The Corporation shall keep separate accounts of their receipts and expenditure under this part of this Act distinguishing therein capital from revenue. Separate accounts of omnibus undertaking to be kept.

PART VI.

STREET WORKS.

40. Subject to the provisions of this Act the Corporation in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference may if they think fit make and maintain wholly in the urban district of Elland the following street works (that is to say):— Power to make street works.

Street Work No. 1 A widening and improvement of Long Wall on the south side thereof at its junction with Hullen Edge Road commencing at a point 110 yards west of Jepson Lane and proceeding thence in an easterly direction for a distance of 62 yards and there terminating :

Street Work No. 2 A widening and improvement of Hullen Edge Road and Westgate on the south side thereof and Jepson Lane on the south-west side thereof commencing on the south side of Hullen Edge Road at a point 65 yards west of Jepson Lane and terminating on the south-west side of Jepson Lane at a point 117 yards south-east of Westgate.

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Powers to
Elland Dis-
trict Council
as to street
works.

41. For the purpose of carrying into effect the agreement between the Corporation of the one part and the Elland Urban District Council of the other part as scheduled to and confirmed by this Act the powers for the compulsory purchase of lands and the making and maintenance of works by this Act conferred on the Corporation for and in connection with the street works by this Act authorised and all powers and obligations connected therewith or incidental thereto shall be vested in and exerciseable by the said urban district council in like manner as if that council had been in the first instance authorised by this Act to make the said street works and purchase the said lands and this Act shall be construed accordingly.

Applying
certain pro-
visions of
Act of 1906
to street
works.

42. The following sections of the Act of 1906 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the street works by this Act authorised :—

Section 30 (Limits of lateral and vertical deviation for street works);

Section 31 (Power to make subsidiary works);

Section 32 (Power to alter steps areas pipes &c); and

Section 33 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works).

Compensa-
tion in case
of recently
altered
buildings.

43. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November One thousand nine hundred and twelve if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

PART VII.

WATER.

Confirmation
of agreement
with and
transfer of

44. The agreement dated the eighth day of November One thousand nine hundred and twelve between the Deanhead Commissioners of the first part the several persons whose names

and descriptions are contained in the schedule thereunder written of the second part and the Corporation of the third part (a copy of which is set forth in the Third Schedule to this Act and which is hereinafter in this part of this Act referred to as "the scheduled agreement") is hereby confirmed and made binding on the respective parties thereto and effect shall be given to the provisions thereof in as full and complete a manner as if the same were incorporated in and formed part of this Act and on the day of transfer the Deanhead Reservoir and all property real and personal which may have been acquired and all works which have been executed by the Deanhead Commissioners under the authority of the Acts of 1838 1841 and 1889 shall be and the same are hereby transferred to and vested in the Corporation free from all incumbrances and may be held and enjoyed by them as part of the water undertaking.

A.D. 1913.
undertaking
of Deanhead
Commis-
sioners.

45. Upon the day of transfer the Acts of 1838 1841 and 1889 shall be and are hereby repealed save in so far as may be necessary for carrying into effect the provisions of the section of this Act the marginal note of which is "Winding up and dissolution of Deanhead Commissioners."

Repeal of
Acts of
1838 1841
and 1889.

46. Notwithstanding the repeal of the Acts of 1838 1841 and 1889 all rates which have been made charged or imposed under the said Acts respectively and which on the day of transfer are due shall be due and payable to the Deanhead Commissioners notwithstanding the transfer of their undertaking to the Corporation and the same may be collected recovered and enforced by the Deanhead Commissioners accordingly.

Rates or
rents to con-
tinue in
force.

47. So soon as conveniently may be after the day of transfer the affairs of the Deanhead Commissioners shall be wound up and for that purpose the Deanhead Commissioners shall pay off and discharge the incumbrances on the said undertaking out of the purchase money to be received from the Corporation and the balance if any of such purchase money shall be disposed of in such manner as a majority in number of the Deanhead Commissioners may at an extraordinary general meeting of the Deanhead Commissioners determine and when and so soon as such purchase money has been distributed and their affairs have been wound up the Deanhead Commissioners shall be by virtue of this Act dissolved.

Winding up
and dissolu-
tion of
Deanhead
Commis-
sioners.

48. Subject to the provisions of this Act the Corporation in the lines and situation and upon the lands in that behalf

Power to
make water-
works.

A.D. 1913. delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections may if they think fit make and maintain the works hereinafter described (that is to say) :—

An aqueduct conduit or line or lines of pipes in the West Riding of the county of York commencing in the parish and urban district of Scammonden at the existing outlet of the Deanhead Reservoir passing thence through the parish and urban district of Stainland-with-Old Lindley and the parish of Longwood in the borough and terminating in the parish of Lindley-cum-Quarmby in the borough on the west side of the existing service reservoir of the Corporation on the north side of New Hey Road ; together with all necessary and proper junctions connections pipes conduits channels cuts sluices weirs bye-washes approaches and conveniences in connection therewith.

Limits of deviation.

49. In the construction of the works authorised by this part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that except for the purposes of crossing a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

New water-works to be part of water undertaking.

50. The works constructed under this part of this Act shall for all purposes whatsoever be part of the water undertaking.

Power to take waters.

51. Subject to the provisions of this Act the Corporation may for the purposes of the water undertaking take collect use and appropriate all such springs streams and waters as can be taken into or collected by the Deanhead Reservoir.

As to compensation water.

52.—(1) On and after the day of transfer—

(A) The Corporation shall discharge or deliver into the Deanhead Clough (sometimes called or known in parts of its course as the Blackbourne Black Burn or Blackbrook but in this Act referred to as “Deanhead Clough”) at a point therein situate not more than two hundred yards below the foot of the embankment of the Deanhead Reservoir the several

quantities of water during the respective periods hereinafter mentioned (that is to say) :— A.D. 1913.

During the period from half-past four in the morning to five in the afternoon of every day from Monday to Friday both inclusive a quantity of three hundred and nine thousand gallons ;

During the period from half-past four to ten in the morning of every Saturday a quantity of one hundred and thirty-five thousand nine hundred and sixty gallons ;

and such compensation water shall be given in a regular and continuous flow throughout the respective hours of discharge :

- (B) For the purpose of measuring the quantity of water to be so discharged or delivered into the Deanhead Clough the Corporation shall erect and maintain at a point on the said stream below the said reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable measuring gauge over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of the west riding of Yorkshire Rivers Board and of the owners and occupiers of the mills and works situate on the Deanhead Clough to and including the point where the Deanhead Clough joins the River Calder.

(2) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to any of the occupiers of the said mills and works (who may sue for and recover the same) the sum of ten pounds and shall in addition make compensation for any loss damage or injury sustained by such occupiers or any of them Provided that the Corporation shall not be liable to pay more than ten pounds by way of penalty in respect of any day on which any such neglect shall occur.

(3) If and whenever the said gauge is in a condition unfit for the purposes for which it is intended the Corporation shall forthwith put it in a proper state of repair and condition and if

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they fail to do so within twenty-one days after being thereunto required by notice in writing given to them by or on behalf of the owners or occupiers of the said mills and works or any of them the said owners and occupiers or any of them may put the same into a proper state of repair and condition and may recover the expense thereof from the Corporation.

(4) If any difference arises between the Corporation and any of the owners and occupiers of the said mills and works with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Board of Trade.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all springs streams and waters which the Corporation can take into or collect by the Deanhead Reservoir.

Limiting powers of Corporation to abstract water.

53. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Discharge of water into streams.

54.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining the Deanhead Reservoir and the aqueduct conduit or line or lines of pipes by this part of this Act authorised the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power and the amount of such compensation shall be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Power to purchase and hold lands and exercise powers for protection of waters.

55.—(1) For the purpose of protecting any of the waters which they are empowered to take under this part of this Act against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water

undertaking so long as they shall deem it necessary or expedient for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with the water undertaking and such buildings and works as may be incident to or connected with the water undertaking. A.D. 1913.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

56. The Corporation may on the application of the owner or occupier of any premises within their limits for the supply of water abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts. Power to lay water pipes in streets not dedicated to public use.

57. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required Provided that the price to be charged for a supply by measure shall not exceed two shillings per thousand gallons. Supply of water to houses partly used for trade &c.

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Maintenance
of common
pipe.

58. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses or any of them and such pipe requires repair the Corporation may if they think it necessary or advisable repair the same and the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks manager for the time being of the Corporation.

Prevention
of plumbism.

59. All water supplied by the Corporation to their consumers by means of the works by this part of this Act authorised shall be properly and efficiently filtered or otherwise treated so as to prevent it acting on lead in such manner as to endanger the health of such consumers and if the Corporation make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue. Provided that the provisions of this section shall not apply to any water supplied in bulk to the Urban District Council of Stainland-with-Old Lindley in pursuance of the section of this Act whereof the marginal note is "For protection of Stainland-with-Old Lindley Urban District Council."

For protec-
tion of West
Riding of
Yorkshire
Rivers
Board.

60. For the protection of the West Riding of Yorkshire Rivers Board (in this section referred to as "the board") the following provisions shall apply and have effect (that is to say):—

Any water discharged by the Corporation in exercise of the powers of the section of this Act of which the marginal note is "Discharge of water into streams" shall be as free as may be reasonably practicable from mud or solid or offensive matter.

For further
protection of
West Riding
County
Council.

61. In laying the said aqueduct across the main road known as the Salterhebble Stainland and Sowerby Bridge Road otherwise Clay Pitt Lane the following provisions for the protection of the county council of the West Riding of the County of York (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Corporation (that is to say):—

(1) The said aqueduct where it crosses the said road shall be constructed and laid in such position as the county council shall by writing under the hand of their

surveyor direct and under the superintendence and to the reasonable satisfaction of the said surveyor in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of laying such aqueduct across the said road and three days' notice shall be given to the said surveyor of the intention to lay the said aqueduct Provided that if the said surveyor shall not within ten days after the said plans sections and specifications shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :

- (2) The said works shall be so executed as not in any way to stop or unreasonably interfere with the traffic along the said road and such works shall be proceeded with and completed with all possible despatch :
- (3) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve the said road in the same manner as they might have diverted widened or improved the said road if this Act had not been passed and such aqueduct had not been constructed or laid across the said road without being liable for any payment to the Corporation for any expense or loss to which they may be put in consequence of such diversion widening or improvement Provided that the county council shall give to the Corporation twenty-one days' notice of the intention to carry out any such diversion widening or improvement and that before and during such diversion widening and improvement the county council shall permit the Corporation to provide reasonable facilities for temporarily carrying the said aqueduct across the said road so as not to interrupt the continuous supply of water :
- (4) Notwithstanding anything in this Act contained if any difference shall arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an arbitrator to be

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agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference.

For protection of Stainland-with-Old Lindley Urban District Council.

62. For the protection of the urban district council of Stainland-with-Old Lindley (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the Corporation and the council have effect (that is to say) :--

- (1) At any time after the Corporation shall have constructed the aqueduct conduit or line or lines of pipes by this Act authorised to be made and have commenced to supply water by means thereof the council shall be at liberty to serve notice upon the Corporation of their desire to be supplied by the Corporation with water in bulk for use within their district and the Corporation shall within six months after receipt of such notice commence and at all times thereafter continue to supply to the council at such place or places upon the said aqueduct conduit or line or lines of pipes as may be agreed between the Corporation and the council or in default of agreement determined by an arbitrator to be appointed by the Local Government Board such a quantity of water in bulk as the council shall from time to time reasonably require for use as aforesaid and the council shall take and pay for the same at such price as shall be agreed or failing agreement as shall be determined by arbitration as aforesaid For the purpose of measuring the said supply the Corporation shall at the expense of the council provide fix maintain and repair all necessary and proper meters appliances and fittings Provided always that the Corporation shall not be under any obligation to supply water to the council so long as the Corporation would thereby be prevented from giving a full and efficient supply for domestic purposes within their water limits or if such supply be prevented by frost unusual drought or unavoidable accident or by reason of necessary repairs to any part of the works of the Corporation or if by reason of the default of the council any works of the council for the distribution of the water so supplied shall be in such a state of repair

as to cause undue loss or waste of water The council shall be at liberty at any time or times at their own expense to execute all such works as may be necessary or expedient for distributing the said supply of water in such manner as they shall think fit:

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- (2) The Corporation shall be under no obligation to filter any water supplied to the council under the provisions of this section:
- (3) Where under the powers and for the purposes of this Act the Corporation shall break up or interfere with the surface of any road other than a county main road within the council's district such breaking up or interference shall only be carried out under the supervision and to the reasonable satisfaction of the council.

63. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section called "the Wakefield Corporation") the following provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and the Wakefield Corporation (that is to say):—

For protec-
tion of
Wakefield
Corporation.

- (1) Nothing in this Act, contained shall authorise the Corporation to take collect use or appropriate any waters which are at the present time intercepted by the Ringstone Reservoir of the Wakefield Corporation:
- (2) Before commencing the construction alteration or repair of any works authorised by this part of this Act within a distance of three yards from any aqueduct conduit water main pipe or apparatus connected therewith belonging to the Wakefield Corporation the Corporation shall give to the Wakefield Corporation not less than fourteen days' notice in writing (except in cases of emergency in which cases they shall give the longest notice possible) of their intention in that behalf and such notice shall be accompanied by plans sections and specifications showing how any such work is intended to be constructed altered or repaired and such works shall only be constructed altered or repaired in accordance with such plans sections and specifications as shall be reasonably approved in writing by the waterworks engineer to the Wakefield Corporation Provided that if the said engineer

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fails for a period of fourteen days after the submission of the said plans sections and specifications to express in writing his approval or disapproval thereof or his requirements in relation thereto he shall be deemed to have approved thereof and if he shall disapprove thereof for fourteen days after such submission a difference to be determined by arbitration under the provisions of this section shall be deemed to have arisen:

- (3) The expense of any alterations or repairs to any such aqueduct conduit water main pipe or apparatus connected therewith which are necessitated or caused by or in consequence of the construction maintenance or repair of the works authorised by this part of this Act and any additional expense incurred by the Wakefield Corporation in the maintenance of any such aqueduct conduit water main pipe or apparatus by reason or in consequence of the construction of such works shall be repaid on demand by the Corporation to the Wakefield Corporation:
- (4) No work authorised by this part of this Act shall be laid at a less distance than one foot six inches at least from any work belonging to the Wakefield Corporation (except where it may be necessary for the same to be laid across any such work belonging to the Wakefield Corporation) and every work authorised by this part of this Act which is to be laid across any work belonging to the Wakefield Corporation shall be so constructed and laid down as to leave between them a space of one foot at least and to be self-supporting for a distance of three feet at least on either side of the point of crossing:
- (5) No works authorised by this part of this Act shall be so constructed as to prevent the Wakefield Corporation having sufficient and convenient access to any aqueduct conduit water main pipe or apparatus connected therewith belonging to them for the purposes of the repair alteration or renewal thereof:
- (6) If any difference shall arise between the Corporation and the Wakefield Corporation under this section

or with regard to anything to be done or not to be done thereunder such difference shall be determined by an engineer or other fit person to be agreed upon between the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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64. For the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

For protection of Lancashire and Yorkshire Railway Company.

- (1) Whenever in the exercise of the powers of the section of this Act the marginal note whereof is "Power to lay water pipes in streets not dedicated to public use" the Corporation require to lay any pipes upon across or under any railway for the time being belonging to or worked by the company or the stations bridges approaches or other works thereof or to construct any works immediately adjoining or in close proximity thereto they shall (except in case of emergency where as long a notice as practicable shall be given) give to the engineer of the company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:
- (2) The said works including the making good and repairing of any roads over the railway and over any bridges and approaches which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation shall be laid constructed and executed by and at the expense of the Corporation under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer and according to plans to be previously reasonably approved by him and so as to avoid as far as possible any injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic over or at any

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- such railway or station Provided that if the said engineer shall not within fourteen days from the receipt of any such plan have approved or disapproved thereof or signified his requirements in relation thereto he shall be deemed to have approved thereof:
- (3) When the Corporation open or break up any road or pavement of any street or bridge or other work belonging to or repairable by the company the Corporation shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding twelve months as the soil so broken up shall continue to subside:
 - (4) If the Corporation make unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may after three days' notice to the Corporation cause such work to be executed or such repair effected and the expense of executing or effecting the same shall be repaid to them by the Corporation:
 - (5) The Corporation shall repay to the company the expense of any temporary works or watching which the company may reasonably consider necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works aforesaid:
 - (6) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway or works or interruption to such traffic the Corporation shall make full satisfaction in respect thereof to the company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner hereinafter provided:
 - (7) Any difference which may arise between the Corporation and the company under the provisions of this section shall be settled by arbitration under the provisions

of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party. A.D. 1913.

PART VIII.

LANDS.

65. Subject to the provisions of this Act the Corporation may enter upon take hold and use for the tramways street works and waterworks by this Act authorised or (in the case of the widening or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street all or any of the lands delineated on the deposited plans and described in the deposited book of reference relating to those works respectively. Power to acquire lands.

66. Subject to the provisions of this Act the Corporation may purchase compulsorily or by agreement the lands next hereinafter described for the purposes of filter beds and other purposes connected therewith or incidental thereto (that is to say):— Acquisition of lands for filter beds &c.

The lands situate in the parish of Lindley-cum-Quarmby in the borough containing 2 roods and 33 perches or thereabouts abutting on the north side of the New Hey Road and adjoining the said existing service reservoir of the Corporation on the west side thereof and being part of the enclosure numbered 247 on the 25-inch Ordnance map sheet No. CCXLVI. (10th edition) 1907 for the parish of Lindley-cum-Quarmby.

67. The Corporation may for the purposes of this Act in addition to the lands they are authorised to acquire and hold under the powers of the recited Acts and under the powers of this Act from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands. Power to acquire additional lands by agreement.

68.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act where the same are intended to be constructed underground Corporation may acquire easements only in certain cases.

A.D. 1913. acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Applying
certain pro-
visions of
Act of 1906
as to lands.

69. The following sections of the Act of 1906 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired (that is to say):—

Section 37 (Persons under disability may grant easements &c.);

Section 38 (Owners may be required to sell parts only of certain lands and buildings);

Section 39 (Period for compulsory purchase of lands);

Section 41 (Correction of errors &c. in deposited plans and book of reference);

Section 42 (Power to retain sell &c. lands);

Section 43 (Proceeds of sale of surplus lands);

Section 44 (Agreements with landowners):

Provided that the said section 38 shall apply in respect of the houses buildings or manufactories described or referred to in the Fourth Schedule to this Act.

70.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

A.D. 1913.
Costs of
arbitration
&c. in cer-
tain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

PART IX.

EXTENSION OF BOROUGH.

71. This part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the ninth day of November one thousand nine hundred and thirteen:

Commence-
ment of this
part of Act.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the borough under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the county in

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A.D. 1913.

pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Local Government Act 1894 and of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and thirteen this part of this Act shall come into operation on its passing:

Provided also that for the purposes of sections 20 22 23 24 and 26 of the Local Government Act 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 as amended by section 17 of the Finance Act 1907 section 6 of the Finance Act 1908 and section 88 of the Finance (1909-10) Act 1910 the Revenue Act 1911 and any subsequent Act and as affected by any Order in Council made under section 6 of the Finance Act 1908 the borough shall be deemed not to have been altered and the added area shall be deemed to continue part of the county until after the thirty-first day of March one thousand nine hundred and fourteen.

Extension of
borough.

72.—(1) The boundary of the existing borough shall be altered so as to include in addition to the area of the existing borough so much of the urban district of Stainland-with-Old Lindley (in this part of this Act referred to as “the urban district”) as forms the Lindley Recreation Ground of the Corporation.

(2) The added area shall for the purposes of the Municipal Corporations Acts and for all other purposes be included in the borough and shall for the purposes of the Local Government Act 1888 be included in the county borough.

Deposit of
plan of ex-
tended
borough.

73. A plan of the borough signed in triplicate by the Right Honourable Lord Clinton the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred shall within two weeks after the passing of this Act be deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons and with the town clerk of the borough at his office and a copy thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Board of Agriculture and Fisheries the Board of Trade the Local Government Board the Inland Revenue Department the Commissioners of Customs and Excise the Registrar-General and the Postmaster-General.

74. Copies of the said plan deposited with the town clerk of the borough or any extract therefrom certified by him to be true shall be received by all courts of justice and elsewhere as *primâ facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such plan certified by the said town clerk on payment of a reasonable fee for every such copy or extract. All sums received under this section shall be carried to the credit of the borough fund.

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Copies of deposited borough plan to be evidence.

75. The powers and duties of the justices of the peace appointed for the existing borough of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough:

Powers and duties of justices &c. extended.

Provided that every person committing an offence in any part of the added area prior to the commencement of this part of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed:

Provided also that every proceeding which prior to the commencement of this part of this Act has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added area may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this part of this Act had not been passed.

76.—(1) For the purposes of the parish burgess lists and burgess roll and the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have always been part of the borough.

Parish burgess lists &c.

(2) In making out revising or otherwise dealing with the said lists and roll or the lists of county electors and the county register to be made for the county in pursuance of the County Electors Act 1888 or any Act amending that Act or the lists and registers of parochial electors effect shall be given so far as the circumstances require or allow to the provisions of this part of this Act.

(3) Where any difficulty arising in the year one thousand nine hundred and thirteen in giving effect to the provisions of

A.D. 1913. this part of this Act can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers that alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk of the existing borough or the clerk of the county council as the case may require and the overseers of the poor shall render such assistance as may be requisite for the purpose of the said alteration re-arrangement or action by the town clerk or clerk of the county council as the case may require and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists roll and registers.

(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this part of this Act and may vary so far as is requisite the provisions in force with regard to the said lists roll and registers.

Division
into wards.

77. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect:—

- (1) For the purposes of the election of councillors the borough shall continue to be divided into fifteen wards:
- (2) The added area shall be included in the Longwood Ward of the borough:
- (3) The councillors representing the Longwood Ward who will not go out of office on the first day of November one thousand nine hundred and thirteen shall be deemed from and after the commencement of this part of this Act to represent that ward as altered by this section.

Recited
Acts.

78. The provisions of the recited Acts and of any other Local Act (including any Local Act passed or to be passed during the present session of Parliament) or of any Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough at the commencement of this part of this Act shall extend and apply to the borough and

any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof. A.D. 1913.

79. Subject to the provisions of this part of this Act-- Byelaws &c.

(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this part of this Act are in force in the existing borough shall thenceforth apply to the borough until or except in so far as any such byelaws regulations list of tolls table of fees and payments or scale of charges may be altered or repealed:

(2) All byelaws and regulations made by the county council or the urban district council of Stainland-with-Old Lindley (in this part of this Act referred to as "the urban council") or their predecessors and in force immediately before the commencement of this part of this Act in any part of the added area shall on that date cease to be in force in the added area.

80. The town clerk and all other officers and servants of the Corporation of the existing borough who hold office at the commencement of this part of this Act shall continue to be the town clerk and officers and servants of the Corporation of the borough and shall hold their offices by the same tenure as at that date. Town clerk and other officers continued.

81.—(1) Any action or proceeding or any cause of action or proceeding which at the commencement of this part of this Act is pending or existing by or against the urban council in relation exclusively to any part of the added area shall not be in anywise prejudicially affected by reason of the passing of this part of this Act but may be continued prosecuted and enforced by or against the Corporation or the borough. Actions &c. not to abate.

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this part of this Act) entered into or made by the urban council or their predecessors in relation exclusively to any part of the added area shall be of as full force and effect against or in favour of the Corporation or the borough and may be continued and enforced as fully and effectually as if

A.D. 1913. — instead of the urban council or their predecessors the Corporation had done or suffered the same or been a party thereto.

Corporation
property &c.

82. Subject to the provisions of this part of this Act all property vested in the Corporation at the commencement of this part of this Act for the benefit of the existing borough shall by virtue of this part of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Property &c.
of urban
council.

83. Subject to the provisions of this part of this Act—

(1) All property and liabilities which immediately before the commencement of this part of this Act are vested in or attach to the urban council in relation exclusively to any part of the added area shall by virtue of this part of this Act be transferred to and vest in and attach to the Corporation as urban sanitary authority:

(2) The urban council shall cease to exercise any powers or have any duties within the added area.

Mortgage
debts of
Corporation.

84. So much of any sums borrowed by the Corporation as will at the commencement of this part of this Act be owing and charged upon the borough fund and borough rate of the existing borough shall by virtue of this part of this Act be charged upon the borough fund and borough rate of the borough and all those sums shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Adoptive
Acts.

85. The provisions of Parts II. and III. of the Public Health Acts Amendment Act 1890 the Infectious Disease (Prevention) Act 1890 (except section 11 thereof) and the Notification of Births Act 1907 shall be in force in and apply to the borough as if the same had been adopted therein.

Corporation
to be burial
board for
borough.

86. The Corporation shall be the burial board for the borough and shall have within the borough all the powers duties

and liabilities of a burial board under the Burial Acts 1852 to 1906. A.D. 1913.

87.—(1) In any case where the extension of the existing borough by this part of this Act affects the distribution of the proceeds of the local taxation licences or of the estate duty grant or of the Local Taxation (Customs and Excise) duties between the county and the borough or between the county and the borough on the one hand and any other county borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested:

Adjustment
of financial
relations
between
county and
county bo-
roughs.

For the purposes of this subsection or of anything done or to be done in pursuance of this subsection any reference in the said subsection to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of section 17 of the Finance Act 1907 as amended by section 6 of the Finance Act 1908 and section 88 of the Finance (1909–10) Act 1910 and of the Revenue Act 1911 or of any subsequent Act have been paid or will be payable in lieu of those proceeds.

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils of the borough the county and the county boroughs affected and if such adjustment shall not have been made before the thirtieth day of September one thousand nine hundred and fourteen then on the application of any of the councils interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made the provisions of the Local Government Act 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in those provisions for the commissioners appointed under the said Act of 1888 and notwithstanding anything in the provisions of this part of this Act or of the said Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed

A.D. 1913. — to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of section 62 of the said Act of 1888 and the provisions of the said Act of 1888 shall apply accordingly :

Provided—

- (a) that in lieu of subsection (6) of section 61 of the Local Government Act 1888 subsections (1) and (5) of section 87 of that Act shall apply to any inquiries which may be directed by the Local Government Board under this section and to the costs of those inquiries ; and
- (b) that subsection (6) of section 32 of the Local Government Act 1888 shall apply to any agreement or award made under this section.

Provisions
for adjust-
ments.

88. On any adjustment made otherwise than by agreement for the purposes of this part of this Act under section 32 or section 62 of the Local Government Act 1888 (which last-mentioned section with such modifications as may be considered necessary shall apply as if this part of this Act were an order made under that Act) or under either of those sections as modified or adapted by this part of this Act—

- (A) Any adjustment of the local taxation licences the estate duty grant and the residue under section 1 of the Local Taxation (Customs and Excise) Act 1890 shall be carried out in accordance with the rules contained in Part I. of the Fifth Schedule to this Act :
- (B) Provision shall be made for the payment to any council or other authority affected by this part of this Act of such sum as seems equitable in accordance with the rules contained in Part II. of the Fifth Schedule to this Act in respect of any increase of burden which will properly be thrown on the ratepayers of the area of that council or other authority in meeting the cost incurred by that council or other authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries effected by this part of this Act or other change in relation to which the adjustment takes place.

In this section and in Part II. of the said Fifth Schedule the expression “ council or other authority affected by this part

of this Act" includes any council authority or persons entitled to make an adjustment under section 62 of the Local Government Act 1888 or that section as modified or adapted by this part of this Act and the expression "rateable value" in Part I. of the said Fifth Schedule means unless the county council and the Corporation otherwise agree the rateable value stated in the last poor rate.

A.D. 1913.

89. Subject to the provisions of section 54 of the Local Government Act 1888 the Elland Electoral Division as diminished by the inclusion of the added area in the borough shall continue to be an electoral division of the county and the person who immediately before the commencement of this part of this Act is the county councillor representing that division shall be deemed from and after that date to represent the division as so diminished.

Electoral division and county councillor.

90. The added area shall be separated from the existing parish of Stainland-with-Old Lindley and shall be amalgamated with the existing parish of Longwood.

Alteration of parishes.

91. Subject to the provisions of section 60 of the Local Government Act 1894 the following provisions shall have effect:—

Guardians.

(1) The added area shall be included in the Longwood parish of the Huddersfield Union and the persons who at the commencement of this part of this Act are the guardians elected for the existing Longwood parish shall be deemed to have been elected for that parish as altered by this part of this Act and shall represent the altered parish until the date on which they would have retired if this part of this Act had not been passed:

(2) The person who at the commencement of this part of Act is the guardian elected for the existing parish of Stainland-with-Old Lindley shall be deemed to have been elected for and shall represent the parish of Stainland-with-Old Lindley as diminished by the inclusion of the added area in the borough as if he had been originally elected to represent that parish as so diminished.

92. Nothing in this part of this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable

Ecclesiastical divisions and charities.

A.D. 1913. — endowment which now is applicable for the benefit of any existing parish affected by this part of this Act.

Saving for existing lists of parliamentary voters &c.

93. For the purposes of any election under the Local Government Act 1894 to be held for any area affected by this part of this Act the town clerk or the clerk of the county council as the case may require shall if and when necessary cause the register of parochial electors to be altered in such manner as may be requisite to give effect to the provisions of this part of this Act.

Settlement and removal of poor.

94. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this part of this Act the following provisions shall have effect (that is to say):—

(1) Every person who at the commencement of this part of this Act has acquired or is in the course of acquiring a settlement in either of the existing parishes of Longwood or Stainland-with-Old Lindley by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation--

(i) in the existing parish of Longwood; or

(ii) in the added area; or

(iii) in that part of the existing parish of Stainland-with-Old Lindley which by virtue of this part of this Act will form the parish of Stainland-with-Old Lindley

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the parish of Longwood and in the third case a settlement in the parish of Stainland-with-Old Lindley and in each case as if the existing parish or the added area or the specified part of the existing parish were and had always been the parish or a part of the parish in which by virtue of this section the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

(2) Every person who at the commencement of this part of this Act has acquired or is in the course of acquiring a status of irremovability from the Huddersfield

Union or from the Halifax Union as the case may be by reason of residence— A.D 1913.

(i) in the existing parish of Longwood; or

(ii) in the added area; or

(iii) in that part of the existing parish of Stainland-with-Old Lindley which by virtue of this part of this Act will form the parish of Stainland-with-Old Lindley

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first and second cases in the parish of Longwood and in the third case in the parish of Stainland-with-Old Lindley.

95. Notwithstanding the alteration in the areas of parishes affected by this part of this Act all contribution orders made by the guardians of the poor of the Huddersfield Union or of the Halifax Union as the case may be before the commencement of this part of this Act shall be as valid in law as if this part of this Act had not been passed. Saving for contribution orders.

PART X.

FINANCE.

96.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):— Power to borrow.

Purpose.	Amount.	Period for Repayment.
(a) For and in connection with the construction of the tramways authorised by this Act.	£ 83,575	Thirty years from the date or dates of borrowing.
(b) For the provision of electrical equipment and the construction of other works for the purpose of the tramways authorised by this Act.	27,699	Twenty years from the date or dates of borrowing.
(c) For the provision of tramway rolling stock.	9,000	Fifteen years from the date or dates of borrowing.
(d) For the provision of electrical equipment and the construction of other works for the purpose of working trolley vehicles.	2,804	Twenty years from the date or dates of borrowing.

[Ch. xciv.] *Huddersfield Corporation Act, 1913.* [3 & 4 GEO. 5.]

A.D. 1913.

Purpose.	Amount.	Period for Repayment.
(e) For the provision of trolley vehicles -	£ 1,500	Ten years from the date or dates of borrowing.
(f) For the provision of motor omnibuses -	1,800	Five years from the date or dates of borrowing.
(g) For the purchase of the undertaking of the Deanhead Commissioners.	12,580	Forty-five years from the date or dates of borrowing.
(h) For the purchase of lands for filter beds and for the waterworks by this Act authorised.	3,370	Sixty years from the date or dates of borrowing.
(j) For the construction of the said waterworks.	17,800	Thirty years from the date or dates of borrowing.
(k) For paying the costs charges and expenses of this Act including the costs of the Deanhead Commissioners.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that undertaking :

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes (a) (b) (c) (d) and (e) hereinbefore mentioned and any money borrowed for the purposes of the tramway undertaking of the Corporation the revenue of that undertaking and the borough fund and borough rate or either of those securities :

As regards money borrowed for the purpose (f) the revenue of the omnibus undertaking of the Corporation and the borough fund and borough rate or either of those securities :

As regards money borrowed for the purposes (g) (h) and (j) the revenue of the water undertaking and the borough fund and borough rate :

As regards money borrowed for the purpose (k) the borough fund and borough rate and the revenues of the respective

undertakings of the Corporation in such proportions as the Corporation may determine: A.D. 1913.

As regards money borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

97. In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums which they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts. Certain provisions of Public Health Acts as to borrowing not to apply.

98.—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to re-borrow.

A.D. 1913.

As to temporary borrowing.

99.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person and in either case at such rate of interest as they may determine such sum as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one-fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year.

(2) Any amount borrowed under this section together with the interest thereon shall form a charge upon all the funds properties rates and revenues of the Corporation *pari passu* with all other mortgages stock or other securities affecting the same.

(3) It shall also be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve.

(4) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(5) When the Corporation borrow money under this section—

(A) The treasurer of the borough shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require :

(B) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to

comply with the requirements of this section that Board may by order suspend the operation of the powers of this section for such period as they may think fit. A.D. 1913.

(6) The provisions of this section limiting the amount of the sums which the Corporation may borrow and the provisions of subsection (4) of this section requiring the repayment thereof out of the revenue referred to in that subsection shall not affect any lender or his security for the loan or overdraft and the interest thereon respectively or his right to obtain payment thereof from the Corporation.

(7) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fourteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

100. The following sections of the recited Acts shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act namely :—

Application of sections of recited Acts as to borrowing.

Of the *Huddersfield Tramways and Improvement Act* 1890—

Section 35 (Sinking funds may be adjusted in certain events);

Section 38 (Annual return to Local Government Board with respect to sinking funds &c.);

Section 40 (Application of moneys borrowed):

Of the Act of 1897—

Section 40 (As to sinking fund);

Section 42 (Corporation not to regard trusts):

Of the Act of 1900—

Section 59 (As to moneys raised by Corporation stock);

Section 63 (Protection of lenders from inquiry);

A.D. 1913.

Section 66 (Audit of accounts);

Section 67 (Inquiries by and expenses of Local Government Board):

Of the Act of 1902—

Section 47 (Provisions as to mortgages):

Of the Act of 1906—

Section 76 (Mode of payment off of money borrowed).

Power to
Elland Ur-
ban District
Council to
borrow for
street works.

101.—(1) For the purpose of carrying into effect the agreement between the Corporation of the one part and the Elland Urban District Council of the other part as scheduled to and confirmed by this Act the said urban district council may from time to time independently of any other borrowing power borrow at interest for the following purposes the following sums (that is to say):—

(a) For the purchase of lands for the street works by this Act authorised one thousand five hundred pounds; and

(b) For the construction of the said street works one thousand and thirty pounds; and

(c) For either of the said purposes such further moneys as may be necessary with the consent of the Local Government Board.

(2) The said moneys shall be borrowed under and subject to the provisions of sections 233 234 and 236 to 239 of the Public Health Act 1875 as though the said purposes were purposes mentioned in the said Act Provided that the sanction of the Local Government Board shall not be required to moneys borrowed for the purposes (a) and (b) aforesaid or to the periods for repayment of such moneys but the said urban district council shall pay off all moneys borrowed by them under this section for the purpose (a) within sixty years and for the purpose (b) within thirty years from the date or dates of the borrowing of the same.

PART XI.

MISCELLANEOUS.

Power to
grant gra-
tuities in
certain
cases.

102. The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 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. A.D. 1913.

103. The Corporation may erect and maintain within and with the consent of the local and road authority beyond the borough sheds shelters or waiting rooms for the accommodation of passengers and of the Corporation's servants on the tramway trolley vehicle and motor omnibus routes of the Corporation and may use for that purpose portions of the public streets and roads Provided that notwithstanding anything in this section contained no sheds shelters or waiting rooms shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Lancashire and Yorkshire Railway Company or of the London and North Western Railway Company Any difference arising between the Corporation and the Lancashire and Yorkshire Railway Company or the London and North Western Railway Company under this section shall be determined by an arbitrator to be agreed upon by both parties or failing such agreement to be appointed by the Board of Trade on the application of either party. Shelters or waiting rooms.

104. Any property found in any tramcar trolley vehicle or omnibus of the Corporation shall forthwith be taken by a servant of the Corporation to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it shall vest in the Corporation and may be sold as unclaimed property by public auction either separately or with other property similarly found after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramways undertaking. Lost property.

105. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the Corporation under this Act or under any general or local Act for the time being in force in the borough 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 Corporation or to prove any resolution or order of the Corporation or of any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or Evidence of appointments authority &c.

A.D. 1913. report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Incorporation of certain sections of recited Acts.

106. The following sections of the recited Acts are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act namely:—

Of the Act of 1902—

Section 56 (Authentication and service of notices);

Section 58 (Informations by whom to be laid);

Section 59 (Compensation how to be determined);

Section 61 (Recovery of penalties &c.):

Of the Act of 1906—

Section 34 (Temporary stoppage of streets);

Section 79 (As to rating of railways for certain purposes);

Section 84 (Confirmation of byelaws);

Section 85 (As to appeal);

Section 86 (Saving for indictments &c.);

Section 87 (Powers of Act cumulative);

Section 88 (Crown rights).

Judges not disqualified.

107. 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.

Costs of Act.

108. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1913.

THE FIRST SCHEDULE.

- Huddersfield Burial Ground Act 1852.
Huddersfield Gas Act 1861.
Huddersfield Water Act 1869.
Huddersfield Waterworks Act 1871.
Huddersfield Improvement Act 1871.
Huddersfield Waterworks and Improvement Act 1876.
Huddersfield Improvement Act 1880.
Huddersfield Corporation Act 1882.
Huddersfield Tramways and Improvement Act 1890.
Huddersfield Corporation Waterworks Act 1890.
Huddersfield Electric Lighting Order 1890 (confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1890).
Borough of Huddersfield Order 1890 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1890).
Huddersfield Waterworks Tramroad Act 1894.
Huddersfield Waterworks Act 1896.
Huddersfield Electric Lighting Order 1896 (confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1896).
Huddersfield Corporation Tramways Order 1897 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1897).
Huddersfield Corporation Act 1897.
Huddersfield Corporation Tramways Order 1898 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1898).
Huddersfield Corporation Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1900).
Huddersfield Corporation Tramways Act 1900.
Huddersfield Corporation Act 1902.
Huddersfield (Extension to Linthwaite) Electric Lighting Order 1903 (confirmed by the Electric Lighting Orders Confirmation (No. 6) Act 1903).
Huddersfield Corporation Tramways Order 1903 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1903).

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- A.D. 1913. Huddersfield Corporation Act 1902 Amendment Act 1904. •
Huddersfield (Extension to Golcar) Electric Lighting Order 1904
(confirmed by the Electric Lighting Orders Confirmation (No. 3)
Act 1904).
Huddersfield Corporation Act 1906.
Huddersfield Corporation Tramway Order 1907 (confirmed by the
Tramways Orders Confirmation Act 1907).
Huddersfield Water Act 1908.
Huddersfield Corporation Tramways Order 1910 (confirmed by the
Tramways Orders Confirmation Act 1910).
Huddersfield (Extension to South Crosland) Electric Lighting Order
1910 (confirmed by the Electric Lighting Orders Confirmation (No. 1)
Act 1910).
Huddersfield Order 1912 and Huddersfield Order (No. 2) 1912 (confirmed
by the Local Government Board's Provisional Orders Confirmation
(No. 4) Act 1912).

THE SECOND SCHEDULE.

AN AGREEMENT made the fourth day of December one thousand nine hundred and twelve between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF HUDDERSFIELD (hereinafter called "the Corporation") of the one part and the URBAN DISTRICT COUNCIL OF ELLAND in the west riding of the county of York (hereinafter called "the council") of the other part.

WHEREAS the Corporation are desirous of constructing the tramways below mentioned and hereinafter called "the Elland Tramway" and "the West Vale Tramway" respectively:

And whereas the council believing that both such tramways would be of material benefit to the inhabitants of their district are desirous that the same should be made:

And whereas the council have taken a poll of their ratepayers with regard to the Elland Tramway and the ratepayers have pronounced themselves by a large majority in favour thereof and of the council giving the indemnity hereinafter mentioned:

And whereas the council and the Corporation have agreed to enter into these presents:

Now this indenture witnesseth and it is hereby agreed between the Corporation and the council as follows:—

1. The Corporation will as early as practicable introduce into Parliament a Bill seeking powers to make and if they obtain such powers will make—

(A) A tramway (hereinafter called "the Elland Tramway") commencing at their existing tramway terminus at the borough boundary Birchencliffe and proceeding thence down the Ainleys along Huddersfield Road and terminating at the Elland Town Hall:

(B) A tramway (hereinafter called "The West Vale Tramway") commencing at the Elland Town Hall and proceeding thence viâ Southgate Victoria Road Jepson Lane Westgate Long Wall Saddleworth Road and terminating at the junction with the Halifax Corporation Tramways in Halifax Road.

2. In the event of the Corporation obtaining powers within two years from the date hereof to make the Elland Tramway the council will (subject as mentioned in clause 6 hereof) should there be a loss to the Corporation on the working of such tramways in any one or more of the first five years indemnify the Corporation against such loss provided that such indemnity shall not extend to a larger sum than one hundred pounds in any one year and shall cease on the income from the Elland Tramway exceeding the expenditure.

3. The Corporation will give the council full access to their books accounts and papers for the purpose of enabling the council to ascertain and check the expenditure and receipts of the Corporation in respect of the working of the Elland Tramway during the first five years:

In calculating the financial result of the working of the said tramway there shall be included in the expenditure inter alia such amounts as may have been expended in repayment of capital and interest on money borrowed for the purposes of the said tramway including the proper proportion of contribution to the reserve and renewals account and the establishment charges of the undertaking.

4. In the event of the Corporation obtaining power within two years from the date hereof to make the West Vale Tramway the council will—

(A) At their own expense widen the streets known as Jepson Lane Westgate and Hullen Edge Road Elland in manner and up to the improvement line shown on the plan annexed hereto and signed by the town clerk of Huddersfield and the clerk to the council between the points "A" and "B" also shown thereon:

(B) At their own expense acquire and hand over to the Corporation the houses and buildings shown on and situate between the points marked "C" and "D" on the same plan.

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A.D. 1913.

5. The Corporation will at their own expense thereupon demolish the said houses and buildings and widen the street called Long Wall in manner and up to the improvement line shown on the same plan between the said points "C" and "D."

6. Provided always and it is hereby agreed that in the event of the Corporation obtaining power as aforesaid to make and of their making the West Vale Tramway and of the Council performing their obligations under clause 4 hereof the council shall be relieved from all payments under the indemnity mentioned in clause 2 hereof and any payments that may have been made under such indemnity shall be refunded to the council by the Corporation.

7. In its application to the Elland Tramway and the West Vale Tramway section 43 of the Tramways Act 1870 shall read as if for the period of 21 years therein mentioned was substituted the period of 31 years.

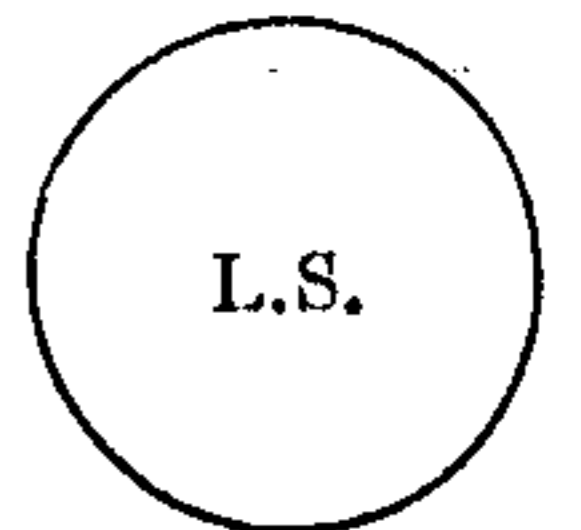
8. The council as a corporate body and their chairman and clerk at the expense of the council will support and if required by the Corporation give evidence in support of any Bill which may be promoted by the Corporation for the purposes aforesaid and will also use their best endeavours to secure the support of all other persons or bodies interested and if required by the Corporation the council will at the expense of the Corporation petition and appear by counsel in support of such Bill.

9. This agreement shall for the purposes of standing order 22 of Parliament be deemed to be the consent of the council to the construction of the said tramways in the council's district.

10. This agreement is made subject to the sanction of and to its being confirmed by Parliament and subject to such alterations as Parliament may think fit to make therein but in the event of Parliament making any material alteration therein it shall be in the option of either of the parties hereto to withdraw from the same.

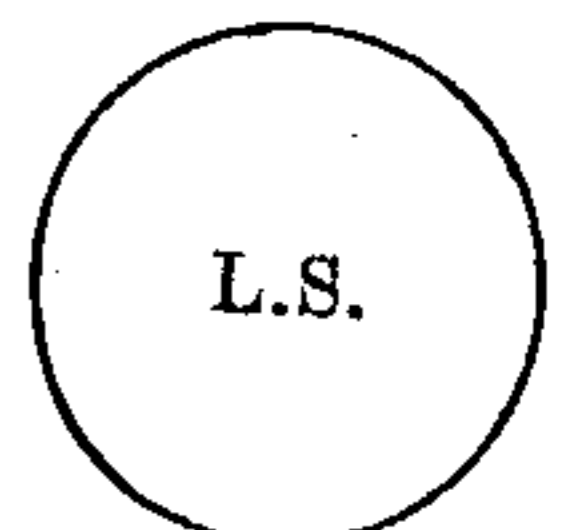
In witness whereof the Corporation and the council have hereunto caused their respective common seals to be affixed the day and year first before mentioned.

The common seal of the Mayor Aldermen and Burgesses
of the county borough of Huddersfield was affixed
hereto in the presence of



J. HENRY FIELD Town Clerk.

The common seal of the urban district council of Elland
was affixed hereto in the presence of



JAMES CLARKSON Clerk.

AN AGREEMENT made the fifth day of December one thousand nine hundred and twelve between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF HUDDERSFIELD (hereinafter called "the Corporation") of the one part and the URBAN DISTRICT COUNCIL OF MARSDEN in the west riding of the county of YORK (hereinafter called "the council") of the other part. A.D. 1913.

WHEREAS the Corporation at the request of the council and in consideration of the undertaking on the part of the council hereinafter contained have agreed to apply in the next session of Parliament for power to make a tramway commencing at their existing tramway terminus at Linthwaite along Manchester Road to a point about thirty-four yards west of the centre of Wessenden Brook:

Now this indenture witnesseth and the council do hereby agree with the Corporation as follows:—

1. That in the event of the Corporation obtaining such power as aforesaid and should there be any loss on the working of the proposed tramway the council will pay to the Corporation half of such loss in each of the first five years the council's contribution not to exceed one hundred pounds in any one year and the council's liability to cease at the end of the aforesaid term of five years.

2. The Corporation will give the council full access to their books accounts and papers for the purpose of enabling the council to ascertain and check the expenditure and receipts of the Corporation in respect of the working of the said tramway during the first five years.

3. In calculating the financial result of the working of the said tramway there shall be included in the expenditure such amounts as may have been expended in repayment of capital and interest on money borrowed for the purposes of the said tramway including the proper proportion of contribution to the reserve and renewals account and the establishment charges of the undertaking and all other expenses properly chargeable to the said tramway.

4 The council as a corporate body and their chairman and clerk and other members (if required by and at the expense of the Corporation) will support and give evidence in support of the Bill to be promoted by the Corporation as aforesaid and will also use their best endeavours to secure the support of all other persons or bodies interested and if required by the Corporation the council will at the like expense petition and appear by counsel in support of such Bill.

5. This agreement shall for the purposes of standing order number twenty-two of Parliament be deemed to be the consent of the council to the construction of the said tramway in the council's district.

[Ch. xcv.] *Huddersfield Corporation Act, 1913.* [3 & 4 GEO. 5.]

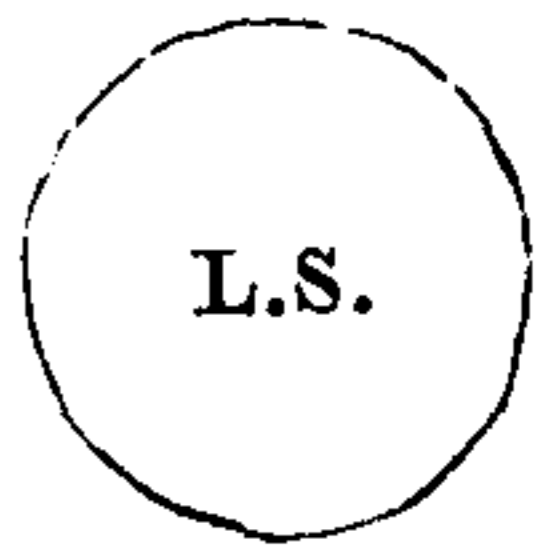
A.D. 1913.

6. In its application to the said tramway section 43 of the Tramways Act 1870 shall read as if for the period of twenty-one years therein mentioned was substituted the period of thirty-one years.

7. This agreement is made subject to the sanction of and to its being confirmed by Parliament and subject to such alterations as Parliament may think fit to make therein but in the event of Parliament making any material alteration therein it shall be in the option of either of the parties hereto to withdraw from the same.

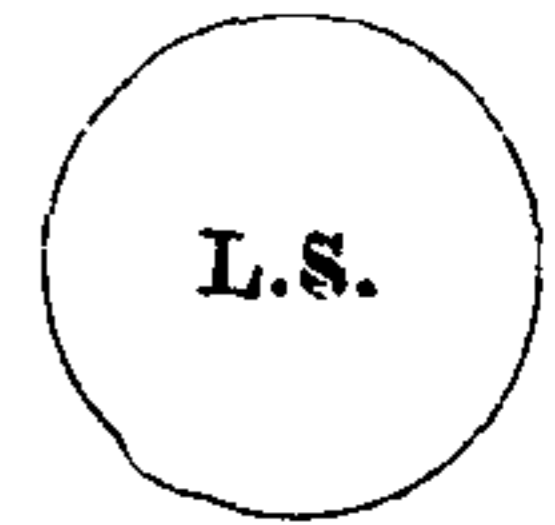
In witness whereof the Corporation and the council have hereunto caused their respective common seals to be affixed the day and year first before mentioned.

The common seal of the Marsden Urban District Council }
was affixed hereto in the presence of



ARTHUR ROBINSON Chairman.
J. W. PIERCY Clerk.

The common seal of the Mayor Aldermen and Burgesses }
of the county borough of Huddersfield was affixed
hereto in the presence of



J. HENRY FIELD Town Clerk.

THE THIRD SCHEDULE.

AN AGREEMENT made the eighth day of November one thousand nine hundred and twelve between the COMMISSIONERS OF THE DEANHEAD RESERVOIR (hereinafter called "the commissioners") of the first part the SEVERAL PERSONS whose names and descriptions are contained in the Schedule hereunder written of the second part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF HUDDERSFIELD (hereinafter called "the Corporation") of the third part.

WHEREAS by an Act passed in the first and second years of the reign of Her late Majesty Queen Victoria intituled "An Act for making " and maintaining a reservoir at Deanhead in the parish of Huddersfield " in the west riding of the county of York and for other purposes " relating thereto " (hereinafter called "the Act of 1838") the commissioners were incorporated and by the Act of 1838 and by an Act passed in the fourth and fifth years of Her said late Majesty intituled "An Act to amend an Act of Her present Majesty for making and

“ maintaining a reservoir at Deanhead in the parish of Huddersfield
“ in the west riding of the county of York” (hereinafter called “the
Act of 1841”) the commissioners were empowered to purchase lands
at Deanhead in the township of Scammonden in the said parish of
Huddersfield and to make construct complete and maintain a reservoir
and an embankment across the brook there called the Blackbourne
and such other works as the commissioners should think necessary for
providing and securing a regular and constant supply of water in the
said brook for the purposes of the mills factories and other manu-
facturing premises situate upon or near the said brook and also with
the consents in the Act of 1838 specified to make feeders or channels
with such catchwater drains and other works as should be proper
for collecting and conducting into the said reservoir or into the Black-
bourne aforesaid the surplus waters of any brooks or springs near thereto
and of the tributary streams and rivulets of any such brooks or springs
over and above what should be sufficient for the supply of the lands
or works through or near to which such brooks should flow :

And whereas the works authorised by the Act of 1838 and the
Act of 1841 were duly executed and completed in or about the
year 1844 and they have since that date been maintained by the
commissioners :

And whereas the said works and the lands hereditaments and
premises rights powers easements and appurtenances belonging to and
vested in the commissioners under and by virtue of the Acts of 1838
and 1841 are hereinafter referred to as the Deanhead water under-
taking :

And whereas the commissioners were by the said Acts of 1838
and 1841 empowered to levy rates of the amounts and in the manner
in the said Acts or one or other of them specified or prescribed upon
all persons who should occupy any fall which should be supplied with
water from any part of the said Blackbourne Brook between its exit
from the said Deanhead Reservoir and its junction with the River
Calder and to borrow moneys for executing the works authorised by
the said Acts and to assign the rates to be levied as aforesaid by way
of mortgage for securing the repayment of the principal moneys and
interest from time to time owing upon the said mortgage :

And whereas the commissioners are now indebted to their mort-
gagees in the sum of ten thousand four hundred and fifty pounds
together with certain arrears of interest thereon from the first day of
February one thousand nine hundred and seven and are subject to
other liabilities in respect of the Deanhead water undertaking :

And whereas the several persons who are parties hereto of the second
part are the owners or occupiers of mills factories or other manu-
facturing premises which have a fall supplied with water from the said

A.D. 1913. Blackbourne Brook between its exit from the said reservoir and its junction with the River Calder :

And whereas the parties to this agreement having entered into negotiations with a view to the Deanhead water undertaking being sold and transferred to the Corporation without compulsion have agreed (subject to the consent approval and sanction hereinafter mentioned being obtained) to effect such sale and transfer on the terms hereinafter appearing :

Now these presents witness that in consideration of the premises and of the mutual stipulations and provisions herein contained it is hereby agreed by and between the said parties hereto as follows (that is to say) :—

1. Subject to the consent of the borough council and of the parochial electors under the Borough Funds Acts 1872 and 1903 and subject to the sanction of Parliament being obtained as hereinafter mentioned the commissioners agree to sell and transfer and the several persons who are parties hereto of the second part consent to such sale and transfer and the Corporation agree to purchase and take the Deanhead water undertaking situate at or near Deanhead aforesaid free from encumbrances at the price or sum of twelve thousand five hundred and eighty pounds.

2. The Corporation will as early as practicable introduce into Parliament a Bill seeking powers to acquire the said Deanhead water undertaking and to purchase such other lands and easements and to execute such other works in and near to the Deanhead valley for the purpose of securing a further supply of water for the borough of Huddersfield as they may think proper The said Bill shall contain clauses empowering the commissioners to sell the Deanhead water undertaking and providing for the dissolution of the commissioners and for the repeal of the Acts of Parliament relating to the said Deanhead water undertaking.

3. The quantity of compensation water to be allocated to the Blackbourne stream from the date when the works which may be authorised to be constructed are completed and the said sum of twelve thousand five hundred and eighty pounds is duly paid shall be one third of the available rainfall in respect of the present gathering ground of the commissioners (the area of which is agreed between the parties hereto at 500 acres) the said compensation water to be supplied during the following hours in every week of the year *i.e.* from 4.30 a.m. to 5 p.m. on Mondays Tuesdays Wednesdays Thursdays and Fridays and from 4.30 a.m. to 10 a.m. on Saturdays or during such other hours as Parliament may prescribe.

4. The parties hereto of the first and second parts will not require or ask Parliament to insert in the Bill any clause imposing penalties upon the Corporation for failure on their part to discharge

the prescribed quantity of compensation water but will be satisfied with a reasonable indemnity clause in a form to be agreed by the parties hereto prior to the deposit of the Bill in Parliament. A.D. 1913.

5. From and after the date when the Bill to be introduced as aforesaid shall have become an Act of Parliament and received the Royal Assent the owners and occupiers of any fall of water or mill or building occupied therewith liable to be rated by virtue of the Act of 1838 and the Act of 1841 or either of the said Acts and the said falls respectively shall thenceforth so far as the Corporation are concerned be freed and discharged from any future payment in respect of the user of water thereafter passing down the Blackbourne stream. The said sum of twelve thousand five hundred and eighty pounds shall be paid by the Corporation to the commissioners or their mortgagees and the purchase shall be completed within three months after the said Bill shall have become an Act and have received the Royal Assent.

6. If the Corporation shall fail to obtain the requisite approvals and consents under the Borough Funds Acts 1872 and 1903 for the promotion by them of the said Bill or shall fail to secure from Parliament within two years from the date hereof powers to acquire the said Deanhead water undertaking and to purchase other lands and to execute other works as mentioned in paragraph 2 hereof for the purposes there stated then and in such case this agreement and the whole of the stipulations conditions and provisions herein contained shall be null and void and of no effect whatever except as regards the provisions contained in paragraph 8 hereof.

7. The commissioners as a corporate body and also the several persons who are parties hereto of the second part respectively will support any Bill which may be promoted by the Corporation for the purposes aforesaid and will also use their best endeavours to secure the support of all other persons or bodies interested in the said stream and (if required by the Corporation) the commissioners and the several persons who are parties hereto of the second part respectively will also petition and appear by counsel in support of such Bill and the individual commissioners or at least four of them (including the chairman of the commissioners for the time being) will if required by the Corporation give evidence in support of such Bill.

8. The Corporation shall pay the reasonable costs of the commissioners in connection with this agreement and also the reasonable costs incurred by the commissioners either as a corporate body or individually for any services they or any of them may at the request in writing of the Corporation render in supporting any Bill which the Corporation may introduce into Parliament for the purposes aforesaid whether such Bill be passed into an Act of Parliament or not.

[Ch. xcv.] *Huddersfield Corporation Act, 1913.* [3 & 4 GEO. 5.]

A.D. 1913.

9. This agreement is made subject to the sanction of Parliament and subject to such alterations as Parliament may think fit to make therein but in the event of Parliament making any material alteration therein it shall be in the option of any or either of the parties hereto to withdraw from the same.

In witness whereof "the commissioners" and "the Corporation" have hereunto caused their common seals to be affixed and the several persons parties hereto of the second part have hereunto set their hands and seals the day and year first hereinbefore written.

The SCHEDULE above referred to.

Name of Occupier.	Name of Mill.	Whether Owner or Occupier or both.	Signature.
Joel Wheelwright -	Firth House Mill Scammonden.	Owner and Occupier.	Joel Wheelwright (L.S.).
R. & D. Norcliffe -	Dairy Mill -	Ditto -	{ Rowland Norcliffe (L.S.). David Norcliffe (L.S.).
B. Taylor & Co. Ltd.	Barkisland Mill -	Ditto -	James Gledhill (L.S.).
J. & S. Taylor Ltd.	Bowers Mill -	Ditto -	John Taylor (L.S.).
T. Brook & Son -	Brow Bridge Mill	Occupier - (Owner Lord Mexborough).	Stanley Garside (L.S.).
Empty - -	Beestones Mill -	Owner (John Shaw).	John Shaw (L.S.).
Haigh Wright & Co.	Dean Valley Mills	Owners and Occupiers.	{ Abraham Haigh (L.S.). Albert H. Haigh (L.S.). Walter Wright (L.S.).
Empty - -	Old House Mill -	Owner -	Benjamin Eastwood (L.S.).

Signed sealed and delivered by the above-named Joel Wheelwright Rowland Norcliffe James Gledhill Stanley Garside John Shaw Abraham Haigh Albert H. Haigh and Walter Wright in the presence of

S. SCHOFIELD
Solicitor Halifax.

The common seal of the commissioners of the Deanhead Reservoir was hereunto affixed and the signature of Arthur Ward set and subscribed hereto in the presence of

S. SCHOFIELD
Solicitor Halifax.

ARTHUR WARD
Chairman.

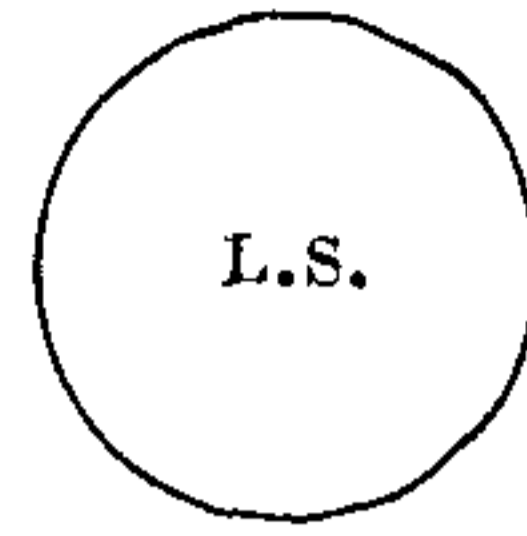
L.S.

A.D. 1913.

The common seal of the Greetland Dye-works Company Limited was hereunto affixed in the presence of

GEORGE DOUGLAS Director.
ARTHUR WARD Director.
J. HEOSCHEL Secretary.

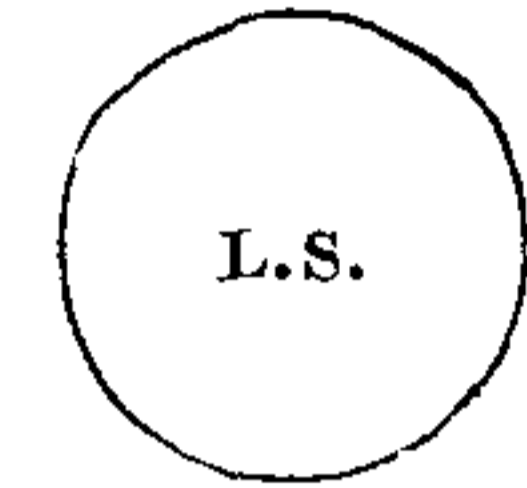
ELLISTON MILL
Occupier.



The common seal of the Bradford Dyers Association Limited was hereunto affixed in the presence of

JERE WHITWHAM Director.
JOSEPH BRIGGS Director.
J. HEOSCHEL Secretary.

ELLISTON MILL
Owner.



Signed sealed and delivered by the above-named John Taylor in the presence of

EDMUND SCHOFIELD
Solicitor Halifax.

Signed sealed and delivered by the above-named David Norcliffe in the presence of

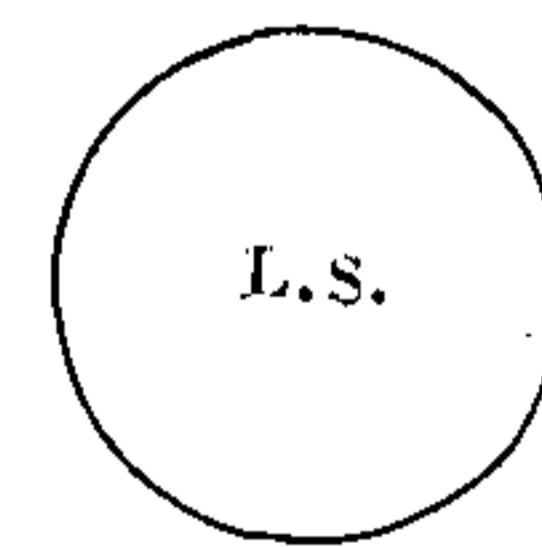
S. SCHOFIELD
Solicitor Stainland.

Signed sealed and delivered by the above-named Benjamin Eastwood in the presence of

S. SCHOFIELD.

The common seal of the mayor aldermen and burgesses of the county borough of Huddersfield was affixed hereto in the presence of

J. HENRY FIELD Town Clerk.



A.D. 1913.

THE FOURTH SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

Borough or Parish.	Numbers on deposited Plans.
STREET WORKS.	
Parish of Elland - - - - -	1 to 17.
WATERWORKS.	
Parish of Stainland-with-Old Lindley -	4.
Parish of Scammonden - - - - -	79 98 108 109 and 114.

THE FIFTH SCHEDULE.

PART I.

RULES FOR DETERMINING ADJUSTMENT OF THE LOCAL TAXATION LICENCES THE ESTATE DUTY GRANT AND THE RESIDUE UNDER SECTION 1 OF THE LOCAL TAXATION (CUSTOMS AND EXCISE) ACT 1890.

(1) The portion of the local taxation licences and estate duty grant payable or estimated to be payable in respect of the area of the county as it existed immediately before the appointed day shall after the appointed day be divided between the county council and the Corporation and the amount payable to each shall be apportioned on the following basis:—

(A) There shall be apportioned to the county council an amount equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that council in accordance with sections 24 and 26 of the Local Government Act 1888 for and in respect of the five years ending the thirty-first day of March one thousand nine hundred and fourteen less the portion of such average annual amount paid and transferred for and in respect of the added area and such last-mentioned amount shall be apportioned to the Corporation Provided that if any difficulty arises in ascertaining the sum to be apportioned in respect of any item the sum shall be divided according to the respective rateable values immediately before the

appointed day of the county less the added area and of that area : A.D. 1913.

- (B) Out of the balance of the said portion of the local taxation licences and estate duty grant there shall next be apportioned to the county council a sum equal to one half of the average annual cost during the five years preceding the appointed day of the maintenance of main roads within the county as it existed immediately before the appointed day (including any payments made in respect of the interest on or of the repayment of the capital of loans raised on account of such main roads) after deducting the amount of one half of such cost incurred in respect of main roads within the added area and such last-mentioned amount shall be apportioned to the Corporation Provided that—

(i) If such balance is insufficient to meet the whole of one half of the cost of such roads the amounts apportioned to the county council and the Corporation respectively shall be reduced proportionately; and

(ii) If it appear that the county council have failed to declare any roads in the county as it existed immediately before the appointed day to be main roads which ought to have been so declared or have declared any roads to be main roads which ought not to have been so declared proper adjustments shall be made in the calculation of the cost of maintenance of main roads in the county as it so existed under this rule by the inclusion of the cost of such roads as ought to have been declared to be main roads or the exclusion of the cost of such roads as ought not to have been declared to be main roads as the case may require :

- (c) If any balance of the local taxation licences and estate duty grant remains after apportioning between the county council and the Corporation the sums ascertained in accordance with the foregoing rules such balance shall be divided between the county council and the Corporation in proportion to the rateable values immediately before the appointed day of the county less the added area and of that area respectively.

(2) The residue under section 1 of the Local Taxation (Customs and Excise) Act 1890 payable or estimated to be payable in respect of the area of the county as it existed immediately before the appointed day shall after the appointed day be divided between the county council and the Corporation in proportion to the rateable values immediately before the appointed day of the county less the added area and of that area respectively.

A.D. 1913.

PART II.

RULES FOR DETERMINING THE SUM TO BE PAID IN RESPECT OF
INCREASE OF BURDEN ON RATEPAYERS.

(1) Regard shall be had to—

(A) The difference between the burden on the ratepayers which will properly be incurred by the council or other authority affected by Part IX. of the Act in meeting the cost of executing any of their powers and duties and the burden on the ratepayers which would properly have been incurred by that council or other authority in meeting such cost had no alteration of boundaries or other change taken place :

(B) The length of time during which the increase of burden may be expected to continue :

Provided that no alteration of income in consequence of an apportionment under Part I. of this schedule shall be taken into account.

(2) The sum payable by or to any council or other authority affected by Part IX. of the Act in respect of the increase of burden shall not exceed or if payable by instalments or by way of annuity the capitalised value of the instalments or annuity shall not exceed the average annual increase of burden multiplied by fifteen.

(3) Any sum payable in respect of the cost of maintenance of main roads shall be payable by way of annuity.

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