



CHAPTER ccxxxiv.

An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Halifax to construct new Works in extension of their Waterworks, and for extending their Limits of Water Supply, and for authorising them to extend their Gasworks; and for other purposes. A.D. 1876.
[11th August 1876.]

WHEREAS the borough of Halifax, in the west riding of the county of York (in this Act called the borough), is a municipal borough under the government and local management of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation), and subject to the provisions of the general Acts relating to municipal corporations in England, and to divers special Acts from time to time passed, some whereof are described in the First Schedule to this Act (the same being in this Act referred to generally as the Corporation's former Acts, and those that are specified in this Act being referred to severally by the short references in that schedule specified):

And whereas under the Corporation's former Acts the Corporation are authorised to make and maintain waterworks, and to supply water within the borough and in its neighbourhood, and they have for the purposes of their waterworks undertaking expended the sum of five hundred and ninety-two thousand eight hundred pounds or thereabouts:

And whereas by reason of the growth of the population and the increasing demands for water within the Corporation's authorised area of water supply, and by reason of the requirements of the districts adjacent thereto, it is expedient that the Corporation be now empowered to make additional waterworks, and that their authorised limits of water supply be extended:

And whereas by the Corporation's Act of 1868 the Corporation are empowered to make three reservoirs at Walshaw Dean and other waterworks, and the period by that Act limited for the completion

A.D. 1876. of those reservoirs and works is ten years from the passing of that Act, which period would expire in one thousand eight hundred and seventy-eight :

And whereas it is expedient that the period allowed for completion of those reservoirs and works be extended :

And whereas the period limited for the exercise of compulsory powers for the taking of lands for the purposes of those reservoirs and works was five years from the commencement of the Corporation's Act of 1868, which period expired in one thousand eight hundred and seventy-three :

And whereas it is expedient that as regards parts of those lands the last-mentioned powers be revived :

And whereas the Corporation supply water in bulk for consumption in divers districts, and it is expedient that better provision in that behalf be now made :

And whereas it is expedient that various other provisions be made respecting the Corporation's waterworks undertaking :

And whereas under the Corporation's former Acts the Corporation have powers and duties relating to the manufacture of gas and to the supply of gas within the borough and in its neighbourhood :

And whereas the Corporation have expended two hundred and thirty-three thousand five hundred and twenty-four pounds or thereabouts on their gasworks undertaking, and it is expedient that the Corporation be empowered to extend their works for the manufacture and storage of gas :

And whereas the Corporation have powers and authorities in relation to markets and slaughter-houses in the borough and have expended on that undertaking forty-one thousand nine hundred and ninety-five pounds or thereabouts, and it is expedient that further provision be made respecting the same :

And whereas the Corporation's former Acts require amendment in divers particulars :

And whereas it is expedient that the Corporation be empowered to raise further money for the purposes of their former Acts and this Act :

And whereas the Corporation having been authorised by their former Acts to borrow money at interest for the purposes of their waterworks undertaking have paid out of borrowed money the interest accrued due during the construction of the works for which money was borrowed, and have carried the amounts so paid to a suspense account now amounting to forty thousand pounds and upwards, and it is expedient that provision be made for paying off

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forty thousand pounds, part thereof mentioned in Part 2 of the Sixth Schedule to this Act : A.D. 1876.

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

And whereas plans and sections describing the lines, situations, and levels of works intended to be authorised by this Act and delineating lands intended to be authorised to be taken under this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands and describing those lands, have been deposited with the clerk of the peace for the west riding of the county of York (which respectively are in this Act referred to as the deposited plans, sections, and book of reference) :

And whereas estimates as follows have been prepared by the Corporation for the following purposes of this Act ; that is to say,

For waterworks purposes	-	-	£300,000
For gasworks purposes	-	-	£75,000
For markets and slaughter-houses purposes	-	-	£10,000

and those several purposes are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875 :

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the twenty-eighth day of October one thousand eight hundred and seventy-five after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Halifax Guardian and in the Halifax Courier, each thereof being a local newspaper published or circulating in the borough, that notice being in addition to the ordinary notices required for summoning the meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough :

And whereas that resolution was published twice in the Halifax Courier, a newspaper circulating in the borough, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the second day of February one thousand eight hundred and seventy-six, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough of Halifax, by resolution in the manner provided in the Third Schedule of

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A.D. 1876. the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

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

Short title. 1. This Act may be cited as the Halifax Water and Gas Extension Act, 1876.

Provisions of certain general Acts incorporated. 2. The following enactments, as 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,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts):

The Waterworks Clauses Acts, 1847 and 1863:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

Commencement of Act. 3. This Act shall commence and take effect from and immediately after the fourth Tuesday next after the day of the passing thereof.

Interpretation of terms.

4. In this Act—

“The surveyor” means the surveyor of the borough for the time being:

“New street” means a street in the borough for which plans are deposited with the Corporation after the commencement of this Act:

“New house” and “new building” mean respectively a house or building in the borough, the erection whereof is begun after the commencement of this Act:

“Dwelling-house” includes any building in the borough occupied or intended to be occupied wholly or in part during the day or night as a dwelling-house:

“Building” includes a dwelling-house, house, messuage, warehouse, mill, manufactory, chimney-shaft, wall, structure, or erection of whatever material the same is made or constructed:

“Privy” includes watercloset, earthcloset, and tubcloset.

Acts to be read as one Act.

5. This Act and the Corporation's former Acts shall, as far as those Acts are in force at the commencement of this Act, and as amended by this Act, be read together as one Act.

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6. All powers given by any of the Corporation's former Acts to the Local Board of Health for the district of the borough of Halifax shall from and after the commencement of this Act be exercised by and in the name of the Corporation.

—
Powers of local board to be vested in Corporation.

7. Subject to the provisions of this Act the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs and other waterworks shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and book of reference as they require for that purpose, which reservoirs and waterworks comprise the following; (that is to say,)

Power to make waterworks and take lands, &c. according to deposited plans.

- (1.) A reservoir at or near Royle's Head, in the township of Warley, in the parish of Halifax, in a close of land called Delf Field (in this Act called the Royle's Head Reservoir) :
- (2.) A line of main pipes from Fulshaw Stream to the Royle's Head Reservoir :
- (3.) A line of main pipes out of the Royle's Head Reservoir to and terminating in Royle's Head Highway, in the same township :
- (4.) An aqueduct or line of main pipes out of the Corporation's conduit at the east end of the Pecket Well Tunnel, in the township of Midgley, in the parish of Halifax, to and terminating by a junction with the Saltonstall Conduit, in the township of Warley aforesaid ;

and subject to the provisions of this Act the Corporation may from time to time divert water collected, stored, or impounded in their existing Fly or Warley Moor Reservoir and works connected therewith into the Royle's Head Reservoir : Provided always, that nothing herein shall enable the Corporation to take or use any streams or waters found in or upon any lands shown on the said deposited plans.

8. In constructing the Royle's Head Reservoir and the other waterworks by this Act authorised the Corporation may deviate laterally from the lines thereof shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, where any such limits are marked thereon, and elsewhere to the extent authorised by the Waterworks Clauses Act, 1847, and vertically from the level shown on the deposited sections in the case of the Royle's Head Reservoir to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent

Limits of deviation for waterworks.

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not exceeding five feet upwards or seven feet downwards: Provided always, that the Corporation shall not, in exercising the powers of lateral deviation hereby given, construct any embankment or wall of any of the reservoirs of a greater height above the general surface of the ground than the corresponding embankment or wall shown on the deposited section, and three feet in addition.

Temporary occupation of lands for waterworks.

9. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the Royle's Head Reservoir and the works connected therewith, and for the purposes of this Act those provisions shall be read as if a reservoir and works were therein mentioned instead of the railway, and the boundaries of a reservoir and works instead of the centre of the railway, and as if the Corporation were a company.

Damage to roads and highways in constructing waterworks.

10. Section fifty-two of the Act of 1865 shall apply and have effect to the waterworks authorised by this Act.

Period for completion of works.

11. If the Royle's Head Reservoir and other waterworks shown on the deposited plans, and by this Act authorised, are not completed within ten years from the commencement of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same shall cease, except in relation to so much thereof as is then completed, but nothing in this Act shall restrict the Corporation from extending, altering, or removing any of their engines, machinery, mains, or pipes, or improving their water supply from time to time.

Powers for compulsory purchases limited.

12. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Power to take easements, &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

New works part of waterworks undertaking.

14. The Royle's Head Reservoir and other waterworks by this Act authorised shall be part of the waterworks undertaking of the Corporation, and the Corporation may exercise and enjoy in respect thereof, and of the water collected therein and delivered therefrom, the like powers, rights, privileges, and authorities as they are by

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their former Acts authorised to exercise and enjoy with respect to their waterworks undertaking as existing at the commencement of this Act.

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15. Section nineteen of the Corporation's Act of 1868 shall be read and have effect as if the period of ten years from the commencement of this Act had been in that section prescribed instead of the period therein prescribed.

Extension of period in Act of 1868 for completion of waterworks.

16. The powers granted to the Corporation by their Act of 1868 for the compulsory purchase of lands for the purposes of the reservoirs by that Act authorised to be constructed at Walshaw Dean, in the township of Wadsworth, in the parish of Halifax, and described in the deposited plans referred to in that Act as the Walshaw Dean Upper Reservoir, the Walshaw Dean Middle Reservoir, and the Walshaw Dean Lower Reservoir, and the aqueducts or conduits connected therewith, also shown on those plans, and seventhly and ninthly described in the notice of the intended application to Parliament deposited with those plans, and other works relating to or connected with those reservoirs, aqueducts, and conduits, or any of them, are hereby revived, and may, notwithstanding anything in the Corporation's Act of 1868, be exercised at any time within three years from the commencement of this Act.

Revival of powers of Act of 1868 for compulsory purchase of certain lands.

17. Subject to the provisions of this Act, and to the extent authorised by the Act of 1868, but no further or otherwise, the Corporation may from time to time intercept, collect, divert into, and impound in the reservoirs by or in this Act or the Act of 1868 authorised or mentioned, or any of them, and appropriate and use for the purposes of their waterworks undertaking the waters of the following streams and brooks, or any of them; (namely,) the Walshaw Dean Water or Alcomden Water, and all other brooks, streams, springs of water, watercourses, and surface waters, or other waters flowing or passing into or being intercepted or interfered with by the Walshaw Dean Reservoirs and works authorised by the said Act of 1868.

Power to take waters.

18. Nothing in this Act contained shall prejudice or affect any provisions in the Corporation's former Acts contained with respect to the supply of compensation water.

Saving rights as to compensation water.

19. If any dispute shall arise between the Corporation and the mayor, aldermen, and burgesses of the borough of Bradford as to any waters which of right belong or naturally flow to the reservoirs and works of the Corporation, or to the reservoirs and waters of the said mayor, aldermen, and burgesses, such dispute shall be

Difference as to water rights to be settled by arbitration.

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A.D. 1876. determined by John Frederick Bateman in the same manner and subject to the same conditions as are prescribed in section nine of the Bradford Waterworks Act, 1869.

Water supply for non-domestic purposes.

20. Where in any building or land, water for the time being supplied or required to be supplied by the Corporation is used or intended to be used for purposes other than domestic purposes, then, if the Corporation are willing to give a supply thereto for other than domestic purposes, they may, if they think fit, require that the whole supply to the building or land be taken by meter, on such terms and conditions as the Corporation from time to time prescribe.

Supply of water in bulk.

21. Notwithstanding anything in the Corporation's former Acts, or any agreement made thereunder, from and after the completion of the waterworks authorised by the Corporation's Act of 1868 the price for water to be charged to the local boards of Elland, Brighouse, Greetland, Hebden Bridge, and the Rastrick Waterworks Company, Limited, respectively shall in each case be a price to be agreed upon between the Corporation and the local board or company taking such water, and in default of agreement the price to be charged shall in each case where no agreement is come to be determined by an arbitrator at the request of either party in manner provided by Part V. of the Public Health Act, 1875, and on any such reference the arbitrator shall fix the price to be charged to the local board or company in question on the basis of the actual cost to the Corporation of supplying water in bulk to such local board or company at the point of delivery defined by their agreement, taking into consideration the amount expended upon such part of the said works as is utilised in affording a supply at such point; provided nevertheless, that if the local board of Brighouse and the Rastrick Waterworks Company, Limited, or either of them, shall require the Corporation to supply a greater daily quantity of water than that fixed by their respective agreements, such quantity may, after the thirteenth day of July one thousand eight hundred and seventy-eight, be readjusted upon terms as to such additional supply to be agreed upon between the Corporation and that local board or company respectively, and failing agreement by arbitration in manner by this section provided.

Limiting supply of water in bulk.

22. Notwithstanding anything in this Act or in the Corporation's former Acts, or any contract or obligation made thereunder for the supply of water outside the borough, other than contracts or obligations with Henry Savile, existing at the passing of this Act, pursuant to the Corporation's Act, 1870, the Corporation shall not

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supply any water either inside or outside the borough for other than domestic purposes if the delivery would prevent the Corporation from furnishing a full supply for domestic purposes to all persons within the limits of supply.

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23. Sub-section (c) of section eleven of the Corporation's Act of 1870 (relating to the supply of water to parts of the townships of Mirfield, Thornhill, and Soothill) shall have effect as if the time prescribed in that sub-section as the time from which the Corporation shall be bound to deliver the quantity of water therein mentioned had been the thirteenth day of July one thousand eight hundred and seventy-eight.

Supply of water to Savile Estate.

24. The limits of the Corporation's former Acts in relation to water supply are hereby extended so as to include in addition to the places therein comprised the township of Hartshead-cum-Clifton, in the parish of Dewsbury, except so much of that township as is situate to the east and south-east of a line drawn parallel with and at one hundred yards distance to the west and north of the Huddersfield and Birstal turnpike road, which traverses that township from Cooper Bridge to the stream called Nunbrook, and the Corporation may exercise throughout that township, except as aforesaid, the like powers as their former Acts and this Act would have enabled them to exercise therein had that township, except as aforesaid, been originally comprised in the limits of their former Acts in relation to water supply.

Extension of limits of water supply.

25. In case the Corporation shall, under the powers of any of the Corporation's former Acts or this Act, supply water in bulk or otherwise at places adjoining the present limits of their water supply, nothing in this or the former Acts contained shall prejudice any application by any sanitary authority or company for parliamentary powers to supply with water any places adjoining the Corporation's limits of supply and which may be so supplied by the Corporation, and if such powers be granted to such sanitary authority or company such sanitary authority or company shall purchase and the Corporation shall sell all the mains, pipes, and other works of the Corporation used exclusively for the supply of the district of such sanitary authority or company at the price to be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts.

As to supply of water beyond limits.

26. The Corporation may from time to time, as part of their gasworks undertaking, extend their gasworks and construct and maintain additional works for the manufacture, conversion, and storage of gas and residual products on lands adjoining their gas-

Power to extend works for manufacture of gas.

A.D. 1876. works and described in the Second Schedule to this Act, and may manufacture, convert, and store gas and residual products on those lands.

Power to extend gas storage works.

27. The Corporation may from time to time, as part of their gasworks undertaking, extend their gas storage works at Stoney Royd, in the borough, and construct and maintain additional gas-holders and other works, and store gas and residual products on the land described in the Third Schedule to this Act.

Application of Gasworks Clauses Act, 1871.

28. The Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Corporation as if it was authorised by this Act, subject and according to the following provisions; (that is to say,)

(1.) With reference to section three this Act shall be the special Act:

(2.) With reference to section five this Act shall be the special Act, and the lands described in the Second and Third Schedules to this Act shall be deemed to be described in this Act:

(3.) Sections seven and eight (relating to shareholders and mortgagees) shall not apply to the Corporation:

(4.) With reference to section eleven the prescribed pressure shall be such as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe, by which each consumer is supplied. And any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of the Corporation, or any public street, road, passage, or place, and the provisions of the Gasworks Clauses Act, 1871, relating to testing of gas, and to penalties shall (with such variations as may be requisite) apply to the testing of pressure, and two hours previous notice shall be given to the Corporation of the time and place at which the testing of pressure shall be conducted:

(5.) With reference to section twelve the prescribed number of candles shall be fourteen:

(6.) With reference to section twenty-eight the prescribed place shall be some part of the gasworks of the Corporation, and

the prescribed time shall be six months after the passing of this Act : A.D. 1876.

(7.) With reference to Schedule (A.) the prescribed burner shall be Sugg's London argand burner, No. 1, consuming at the rate of five cubic feet of gas per hour.

29. The Fourth Schedule to this Act is hereby substituted for Part V. (slaughter-house tolls) of the Second Schedule to the Act of 1868, and that Act shall from the commencement of this Act have effect as if the Fourth Schedule to this Act had formed part of the Second Schedule to the Act of 1868 instead of Part V. thereof. Substitution of new slaughter-house tolls.

30. The Corporation may vary the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level. Every new street shall be formed at such level as the Corporation in each case determine. Power to vary direction, level, &c. of new streets.

31. Every person desirous of forming a communication for horses or vehicles across any footpath, so as to afford access to any premises from a street shall first submit to the Corporation a plan of the proposed communication showing where it will cut the footpath, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works, and after having obtained the sanction of the Corporation may execute the works at his own expense, under the supervision and to the satisfaction of the surveyor, and not otherwise, and if any person drives or permits or causes to be driven any horse or vehicle across any footway, unless and until such a communication as aforesaid has been so made, he shall be liable to a penalty. Crossings for horses or vehicles over footways.

32. The Corporation shall have control over the materials and workmanship employed in every new building, and may reject or disapprove of such materials or workmanship if the adoption or continuance of the same is in their opinion likely to prove prejudicial to the stability of the building or to the health of the inhabitants thereof, and if any person uses or continues to use materials or workmanship so rejected or disapproved he shall be liable to a penalty : Provided always, that this section shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament. Power to regulate materials and workmanship.

33. Every new building used or intended to be used as a hotel, church, chapel, or school, or a place of public amusement or enter- Means of ingress and egress in

A.D. 1876. public build- tainment, or for holding large numbers of persons for any purpose, shall be provided with ample and convenient means of ingress and egress respectively, to the satisfaction of the Corporation.
ings.

Dwelling-
houses in
blocks, open
spaces, &c.

34. For securing light and air for dwelling-houses the following provisions shall have effect; (that is to say,)

- (1.) It shall not be lawful for any person, without the previous consent of the Corporation, to erect dwelling-houses in blocks so that any block shall contain more than eight dwelling-houses when built back to back, and four dwelling-houses, not being through houses, when built in a single row :
- (2.) An open space shall be left at the end of each block of dwelling-houses, such open space to be on the land of the owner of such dwelling-houses, and to be and remain free from any erection thereon above the level of the ground, except privies :
- (3.) The distance across such open space between every such block of buildings and the opposite property at the end or side shall be not less than fifteen feet at all points, or every house in every such block of buildings shall have at the front or back thereof an open space exclusively belonging thereto, to the extent of one hundred and fifty yards square feet, free from any erection thereon above the level of the ground, except privies :
- (4.) Such space shall not be at the front of any such block of buildings or house, unless in addition thereto there is a street at least of ten yards wide in front of such block of buildings or house, and the distance across such open space when at the front of any such block of buildings or house shall be fifteen feet at all points from the front wall thereof :
- (5.) Every new dwelling-house not before provided for in this section shall have at the back, or side, or front thereof an open space exclusively belonging to the owner of such house, to the extent of one hundred and fifty square feet, free from any erection thereon above the level of the ground, except privies.

Plans, sec-
tions, and
elevations
when ap-
proved by
Corporation

35. Whenever in pursuance or for any purpose of any Act in force in the borough, or of any byelaw thereunder, the owner or occupier of any land or building is required to deposit plans, sections, or elevations before the laying out of any land, street, sewer, or drain, or the erection or rebuilding of any building, and the

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Corporation have power within a reasonable limited time to approve or disapprove of such plans, sections, or elevations, such owner or occupier shall not lay out or construct such land, street, sewer, drain, or building, except in conformity with the plans, sections, and elevations approved by the Corporation, and any such approval shall cease to operate at the times following; (that is to say,)

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to be binding
on owner or
occupier.

If the land is not laid out within three years after such approval :

If the street is not opened for public use within four years after such approval :

If the sewer, drain, or building is not constructed or erected and finished for use or occupation within two years after such approval ;

and in any such case fresh notice and approval shall be requisite, as if approval had never been given, unless the Corporation by indorsement on the plans, sections, or elevations extend such approval for a further period, and so from time to time : Provided always, that this section shall not apply to buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament.

36. The Corporation may, if they think fit, refuse to approve of the plans of any building intended to be used as a dwelling-house, unless the same will have at least two sleeping rooms.

Sleeping-
rooms in
dwelling-
houses.

37. Any new building shall not be occupied as a dwelling-house until the drainage thereof has been completed, nor until the building has after examination been certified by the surveyor or a person appointed by the Corporation by writing under his hand to be fit for human habitation, but if the surveyor or such person as aforesaid for seven days after notice in writing to him fails to make such examination, nothing in this section shall prevent the building from being so occupied. If any person as owner lets as a dwelling-house any new building before the same is so certified or after the certificate has been refused he shall be liable to a penalty and to a daily penalty.

Certificate of
fitness for
habitation.

38. In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction, sewerage, draining, levelling, paving, or macadamizing any street or any part thereof, the value and efficiency of any such work theretofore done by him or by any preceding owner may be taken into consideration, and the Corporation may make such allowance as they think fit to him.

Value of
existing
sewers and
streets may
be allowed
for.

39. Where in the plan of a building submitted to and approved by the Corporation a building is described as a lock-up shop, work-

Prevention
of lock-up
shops, &c.

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being used
for habita-
tion.

shop, shed, or place of business the use thereof, or of any part thereof, for the purposes of habitation shall be an offence against this Act, and shall be deemed to be committed on the day when the user thereof is first detected. Every person so using the same or knowingly permitting the same to be so used shall be liable to a penalty, and also to a daily penalty. The mayor for the time being of the borough may from time to time by warrant under his hand authorise any sanitary officer to enter into at any time and examine any building suspected of being so used. If any person obstructs an officer so authorised in his entry or examination he shall be liable to a penalty.

For better
securing
private im-
provement
expenses.

40. For better enabling the Corporation to secure and enforce repayment of any money due to them for private improvement expenses, the following provisions shall have effect; (that is to say,)

- (1.) The Corporation may charge the same on the lands in respect whereof the same is payable by depositing for registration at the registry office for the west riding of Yorkshire a memorandum in the form set forth in the Fifth Schedule to this Act or to the like effect :
- (2.) The registration of the memorandum shall constitute a charge on the lands for the amount therein mentioned, with interest at five per centum per annum from the date of registration, in priority to any charge on the lands created subsequently to that date :
- (3.) The registration shall not be affected by any proceedings taken by the Corporation for recovery of the money charged :
- (4.) On satisfaction of the debt the Corporation shall, without fee, execute any instrument required for release of the lands from the charge :
- (5.) Any money due as aforesaid may be recovered from any owner found by the Corporation in possession of the lands or in receipt of the rents thereof, without prejudice to his right, if any, to recover over against any other person.

Blocking up
or damaging
sewers.

41. If any person throws or permits to fall into any public sewer or drain, or into any private sewer or drain communicating therewith, any cinders, ashes, bricks, rubbish, stone, earth, sand, shell, or other like substance, or causes or permits to flow thereinto any lime washings or other refuse by which the sewer or drain may become blocked up or obstructed, he shall be liable to a penalty and to a daily penalty, and the Corporation may remove and repair any damage caused thereby, and recover summarily the expenses of so doing from the offender.

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42. With respect to ashpits and other places, the following provisions shall have effect; (that is to say,) A.D. 1876.

(1.) No ashpit, privy, or cesspool shall be constructed or made until the Corporation have approved of the situation, dimensions, materials, and general plan thereof: Regulations
respecting
ashpits, &c.

(2.) If any ashpit or privy used in common, or any part thereof or approach thereto, is in such a condition as to be a nuisance or annoyance to any inhabitant of the borough for want of proper cleansing, the persons having the use thereof in common shall severally be liable to a penalty and to a daily penalty.

43. Where by this Act a penalty is imposed without the amount thereof being specified the penalty recoverable shall be a sum not exceeding five pounds for each offence, and where by this Act, a daily penalty is imposed without the amount thereof being specified the penalty recoverable shall be an additional sum not exceeding one pound for every day on which the offence continues. Amounts of
penalties
under Act.

44. Offences against this Act, and penalties, forfeitures, costs, and expenses recoverable under this Act, may be prosecuted and recovered in a summary manner according and subject to the provisions of Part VII. of the Public Health Act, 1875, and penalties and other money recovered under this Act shall be applied according and subject to the last-mentioned provisions. Recovery
and applica-
tion of
penalties, &c.

45. With respect to the amendment of rates, the following provisions shall have effect; (that is to say,) Amendment
of rates.

(1.) The Corporation may from time to time amend any rate by inserting therein the name of any person who ought to have been rated or who since the making of the rate has become liable to be rated; or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated:

(2.) Where any property not included in the rate becomes rateable, or by reason of any alteration in the occupation of any property rated the same becomes liable to be rated in parts not distinguished in the rate, or it appears to the Corporation that any property rated has been increased or reduced in value since the making of the rate, either by building, destruction of building, or other alteration in the condition thereof, or otherwise, the Corporation may from time to time amend the rate by making such insertions

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therein, omissions therefrom, or additions thereto, as they think necessary or proper in the circumstances :

(3.) The Corporation may from time to time amend any rate by making therein any such other alterations as will in their judgment make the same conformable to law and facts ; and no amendment of a rate under this section shall vitiate it or make it less operative, but any person shall have the same right to appeal against any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment, and in the case of any person the amount of whose rate is increased by amendment, or whose name is inserted by amendment, the rate shall not be payable by him until seven days after notice of the amendments given to him.

Rate-books
to be evi-
dence.

46. The books of the Corporation shall be received as evidence of rates and amendments of rates made by them.

Interest on
arrears of
rates or of
charges for
water or gas.

47. If any person fails to pay the amount due by him to the Corporation in respect of any rate or of any gas or water charges after the expiration of twenty-one days from the delivery of any note or demand for payment thereof, he shall be liable to pay to the Corporation interest at the rate of five per centum per annum on the amount unpaid from the time appointed for payment until payment thereof, and the amount of the interest shall be recoverable as the amount on which it accrues.

Recovery of
rates and
charges from
persons re-
moving.

48. In case any person quits or is about to quit any premises before he has paid all rates and gas and water charges due by him to the Corporation, and fails to pay the same on demand, the collector or any constable may by warrant under the hand of a justice (which warrant a justice is hereby authorised and required to grant without issuing any previous summons to such person on proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same) distrain the goods and chattels of such person and sell the same, and after having deducted the rates and gas and water charges due to the Corporation, and all reasonable expenses attending such distress and sale, pay the overplus (if any) to the owner of such goods and chattels on demand.

Borrowing
powers of
Corporation.

49. The Corporation may from time to time in manner provided by the Local Loans Act, 1875, and subject to the provisions thereof,

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and in addition to any other money which they are at the commencement of this Act authorised to raise, borrow at interest such money as they from time to time think requisite for the several purposes of this Act, not exceeding, except with the consent of the Local Government Board, the respective sums and on the respective securities following; (that is to say,)

- (1.) For waterworks purposes the sum of three hundred thousand pounds on the security of the revenues of their waterworks undertaking and of the borough fund and borough rate of the borough;
- (2.) For gasworks purposes the sum of seventy-five thousand pounds on the security of the revenues of their gasworks undertaking and of the borough fund and borough rate of the borough;
- (3.) For markets and slaughter-houses purposes the sum of ten thousand pounds on the security of the revenues of their markets and slaughter-houses undertaking and of the borough fund and borough rate of the borough;

and may charge the revenues of the several undertakings aforesaid and the borough fund and borough rate of the borough as security for the respective sums so borrowed with interest accordingly.

50. Any money by the Corporation's former Acts or this Act authorised to be raised may be raised by the creation and issue of debentures under and according to the provisions of the Local Loans Act, 1875.

Power to issue debentures.

51. Every loan raised on mortgage or debenture by the Corporation before or after the commencement of this Act shall (notwithstanding anything in any of their former Acts) be paid off by means of a sinking fund in manner provided by and subject to the provisions of the Local Loans Act, 1875, the sums paid into each sinking fund being accumulated at compound interest at such rate as the Corporation from time to time think fit, not exceeding four per centum per annum (as the prescribed rate) and every such loan shall be discharged by means of such sinking fund as aforesaid within the respective period specified in connexion with the loan in the Sixth Schedule to this Act, which respective period shall be deemed the prescribed period for the purposes of section thirteen of the Local Loans Act, 1875, and the other provisions of that Act, but sub-section (2) of section fifteen of that Act shall not apply to any sinking fund under this section, but the first payment into the said sinking funds shall be made within one year from the days in that behalf specified in the third column of the said Sixth Schedule respectively.

Payment of existing and future loans by sinking funds.

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Transfer of existing sinking funds.

52. Where before the commencement of this Act any sinking fund has been provided by the Corporation for the discharge of any loan raised by them they shall on the commencement of this Act transfer the amount thereof to the credit of the sinking fund which they are required by this Act to provide for discharge of that loan.

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

53. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return, or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Priority of existing mortgages.

54. All mortgages and charges granted and created by the Corporation before the commencement of this Act on the security of the waterworks undertaking, the gasworks undertaking, and the markets and slaughter-houses undertaking, and the borough fund and borough rate, shall while subsisting, as respects the undertaking and property mortgaged, have priority to mortgages granted and charges created under this Act.

Application of money borrowed.

55. All money borrowed by the Corporation under this Act shall be applied for the purposes of this Act and not otherwise.

Saving rights of Calder and Hebble Navigation.

56. Except as in this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, privileges, and authorities now vested in the

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Company of Proprietors of the Calder and Hebble Navigation, and all their rights, privileges, and authorities may be had, exercised, and enjoyed as if this Act were not passed. A.D. 1876.

57. Except as specially provided by section twenty-three of this Act, nothing in this Act contained shall affect the rights of Henry Savile under the Corporation's Act of 1870. Saving rights
of Henry
Savile.

58. The costs, charges, and expenses of and incidental to the applying for, and obtaining, and passing of this Act shall be paid by the Corporation, and shall be debited to the accounts kept by the Corporation in such proportions as they shall think just, subject to the provisions of the Act 35 and 36 Victoria, chapter 91, section 6. Expenses of
Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

THE CORPORATION'S FORMER ACTS.

Session and Chapter.	Short title.	Short reference.
16 & 17 Vict. c. clxvii.	The Halifax Improvement Act, 1853	The Corporations Act of 1853.
18 & 19 Vict. c. cxliv.	The Halifax Gas Act, 1855 -	The Corporations Act of 1855.
21 & 22 Vict. c. xci.	The Halifax Park and Improvement Act, 1858.	The Corporations Act of 1858.
25 Vict. c. xli. -	Halifax Improvement Act, 1862 -	The Corporations Act of 1862.
28 & 29 Vict. c. cxl.	The Halifax Extension and Improvement Act, 1865.	The Corporations Act of 1865.
31 & 32 Vict. c. cxxvii.	The Halifax Corporation Waterworks and Improvement Act, 1868.	The Corporations Act of 1868.
33 & 34 Vict. c. xcvi.	The Halifax Water and Gas Extension Act, 1870.	The Corporations Act of 1870.

THE SECOND SCHEDULE.

ADDITIONAL LANDS FOR MANUFACTURE AND STORAGE OF GAS.

Lands situate in the townships of Northowram, Southowram, and Halifax, in the parish of Halifax, on the north, north-west, and westerly sides of the existing gasworks of the Corporation, and included within the following limits; that is to say, a line commencing at the northerly corner of the existing gasworks adjoining upon Charlestown Road, thence in a westerly direction along the westerly side of Charlestown Road for a distance of eighty yards or thereabouts, thence in a south-westerly direction to the boundary fence of the Halifax and Ovenden Railway, thence in a southerly direction along the said railway boundary to the centre of the Hebble Brook, thence in a south-easterly direction along the centre of the Hebble Brook for a distance of twenty yards or thereabouts, thence in a southerly direction to and along the said railway boundary fence to certain dyeworks belonging or reputed to belong to Messrs. Jonathan Smith and Son, thence in a north-easterly direction along the boundary fence of the

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said works across the Hebble Brook to the boundary fence of the existing gasworks of the Corporation, thence along that boundary fence in a north-westerly and easterly direction to the first-named point of commencement in Charlestown Road, and containing in the whole seven thousand five hundred superficial square yards or thereabouts.

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THE THIRD SCHEDULE.

ADDITIONAL LANDS FOR STORAGE OF GAS.

A plot of land, part of the Stoney Royd estate of the Corporation, situate in the township of Southowram, adjoining the existing gasholder or storage ground of the Corporation on the southerly side thereof, and included within the following limits; that is to say, an imaginary line commencing at a tool shed at the south-westerly corner of the said storage ground, and proceeding thence in a southerly direction for a distance of eighty yards or thereabouts; and thence in an easterly direction for a distance of fifty-six yards or thereabouts; thence in a north-easterly direction for a distance of fifty-five yards or thereabouts; thence in a northerly direction for a distance of seventy yards or thereabouts to where the same meets the easterly corner of the said storage ground; and thence in a south-westerly and westerly direction along the boundary of the said storage ground to the said south-west corner or tool shed first described, and containing in the whole six thousand three hundred and ten superficial square yards, or thereabouts.

THE FOURTH SCHEDULE.

SLAUGHTER-HOUSE TOLLS.

	s.	d.
For every bull, cow, ox, or bullock - - - - -	1	6
For every calf - - - - -	0	6
For every sheep or lamb - - - - -	0	3
For every pig (not being a sucking pig) including a supply of hot water for dressing - - - - -	0	6½
For every other beast - - - - -	1	0

THE FIFTH SCHEDULE.

FORM OF REGISTER CHARGE OF PRIVATE IMPROVEMENT
 EXPENSES.

BOROUGH OF HALIFAX.

The mayor, aldermen, and burgesses of the borough of Halifax do hereby in pursuance of the Halifax Water and Gas Extension Act, 1876, charge the lands, tenements, and hereditaments hereunder mentioned with the sum here-

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A.D. 1876. under stated, the same being due and payable to the mayor, aldermen, and burgesses in respect thereof for private improvement expenses, together with interest thereon at five per centum per annum from the date of the registration hereof.

Dated this day of 18 .

Description of Lands.	Name and Address of Owner or Reputed Owner.	Name of Occupier (if any).	Amount charged.

(Signed)

Town Clerk of Halifax.

THE SIXTH SCHEDULE.

PERIODS FOR SINKING FUNDS.

PART I.

Money authorised to be borrowed at commencement of Halifax Water and Gas Extension Act, 1876.

Purposes.	Amount authorised to be borrowed.	Period for discharge of Money borrowed.
	£	
Waterworks - -	550,000	100 years from 13th July 1878.
Gasworks - -	250,000	50 " " 1st January 1870.
Markets and slaughter-houses.	45,212	40 " " 1st January 1870.
Town Hall - -	54,000	40 " " 1st January 1870.
Cemetery - -	20,000	40 " " 1st January 1866.
Bonding warehouse - -	5,000	40 " " 1st January 1870.
Savile Park - -	10,000	40 " " 1st January 1870.
Sewerage - -	119,910	50 " " 1st January 1870.
Street improvements - -	76,330	50 " " 1st January 1870.
North Bridge improvement (additional loan).	22,000	30 " " 1st January 1876.
Square Road improvement	7,000	30 " " 1st January 1876.
Hospital - -	1,394	30 " " 1st January 1876.
Granite paving - -	7,300	20 " " from time of borrowing.

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PART II.

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Money authorised to be borrowed by Halifax Water and Gas Extension Act,
 1876.

Purposes.	Amount authorised to be borrowed.	Period for discharge of Money borrowed.
	£	
Waterworks - -	260,000	100 years from 1st January 1886.
Waterworks - -	40,000	15 " " 1st January 1877.
Gasworks - -	75,000	50 " " 1st January 1886.
Markets and slaughter-houses.	10,000	40 " " 1st January 1886.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1876.

