



CHAPTER lvii.

An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Wakefield to construct certain Reservoirs and Waterworks, to contract their limits of supply ; and for other purposes. A.D. 1880.  
[9th July 1880.]

WHEREAS by the Wakefield Waterworks Act, 1862, (in this Act called the Act of 1862,) the Acts then in force relating to the Wakefield Waterworks were repealed, and the Wakefield Waterworks Company (in this Act called the Company) were re-incorporated, and the provisions of the repealed Acts were re-enacted with amendments ; and by the same Act, and also by the Wakefield Waterworks Acts, 1873, 1874, and 1876, further powers were conferred upon the Company :

25 & 26 Vict.  
c. xcix.

36 & 37 Vict.  
c. xix.  
37 & 38 Vict.  
c. cxiii.  
39 & 40 Vict.  
c. ccxxii.

And whereas by the Wakefield Waterworks Act, 1876, (in this Act called the Act of 1876,) the limits of the Company for supplying water, which had previously comprised the town and township of Wakefield, and the townships of Alverthorpe-with-Thornes, Stanley-cum-Wrenthorpe, and Sandal Magna, in the West Riding of the county of York, were extended to the townships of Swinton, Adwick-upon-Dearne, Darfield, Wombwell, Wath-upon-Dearne, Brampton Bierlow, Billingley, Houghton Parva, Houghton Magna, Brierley, South Hiendley, Havercroft-with-Cold Hiendley, Walton, Chevet, Crofton, Warmfield-cum-Heath, Normanton, and Altofts, and the Company were authorised to construct the pumping station in the township of Wombwell, in the parish of Darfield, (therein and in this Act called the Darfield pumping station,) and the tanks or service reservoirs, lines of pipes, and other works therein described for supplying water within their limits as so extended :

And whereas under the Wakefield Improvement Act, 1877, (in this Act called the Act of 1877,) the undertaking of the Company has become vested in the mayor, aldermen, and burgesses of the borough of Wakefield (in this Act called "the Corporation") ; but

40 & 41 Vict.  
c. cxviii.

A.D. 1880. the powers conferred by the Act of 1876 for executing the works thereby authorised have not been put in force, it having been ascertained that water of superior and softer quality for domestic and manufacturing purposes than the water procurable by means of the Darfield pumping station can be obtained from the Booth Dean Clough and certain streams upon the Rishworth Moors, in the parish of Halifax, in the county of York, being tributaries of the river Ryburn, and can be made available for supplying water in ample quantity within the limits of this Act by the reservoirs and works hereinafter described; and it is expedient that the works authorised by the Act of 1876 should be abandoned, and that the Corporation should be authorised to construct the reservoirs and waterworks hereinafter described:

And whereas plans and sections showing the lines and levels of the reservoirs and waterworks authorised by this Act, and also a book of reference, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required, or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the West Riding of the county of York, and are hereinafter respectively referred to as the deposited plans, sections, and book of reference:

And whereas several of the townships to which the limits of the Company were extended by the Act of 1876 were intersected by or were near to the works thereby proposed to be authorised, but cannot be conveniently supplied with water from the Booth Dean Clough and other streams on Rishworth Moors; and it is expedient that the limits of the Corporation for supplying water should comprise only the limits of the Company as they existed prior to the Act of 1876, and the townships of Walton, Chevet, Crofton, Warmfield-cum-Heath, Normanton, Altofts, and Newland-cum-Woodhouse Moor:

And whereas by an Act passed in the second year of the reign of Her present Majesty, (2 Vict. cap. 35,) intituled "An Act for making  
" and maintaining certain reservoirs in the township of Rishworth, in  
" the parish of Halifax, in the West Riding of the county of York," (in this Act called the Act of 1839,) certain millowners and others were appointed commissioners, with power to construct the reservoirs and works therein described for regulating the supply of water to the mills, factories, and premises using the water of the river Ryburn; but the powers of that Act have not been put in force, and the reservoirs thereby authorised occupy in whole or in part the site of certain of the reservoirs hereinafter described; and it is expedient that the said Act should be repealed, and that other provisions

should be made for regulating the flow of water and giving compensation for the abstraction of water under the powers of this Act :

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And whereas by the Act of 1877 it was (section 11) enacted that “ when and so soon as the assets of the Company shall have “ been distributed, and their affairs wound up, the Company shall “ be dissolved, and the several Acts relating to the Wakefield “ Waterworks Company shall from that time be deemed to be “ repealed, but without prejudice to any act, deed, matter, or thing “ done or executed, or any right or privilege acquired under or by “ virtue or in consequence thereof, which shall remain as good “ and valid as if such Acts were still unrepealed: Provided always “ that the Corporation may continue to exercise all the powers, “ authorities, and privileges conferred upon the Company by such “ Acts, or any of them, with respect to the obtaining and supplying “ of water and receiving rents or rates for such supply, so far as “ such powers, authorities, and privileges are still subsisting and “ not varied or repealed by this Act, as if this Act had not been “ passed, and such powers, authorities, and privileges had been “ conferred by Parliament upon the Corporation instead of the “ Company ” :

And whereas doubts have arisen as to the construction of the said section, and it is expedient that the same should be amended :

And whereas, on or about the 5th day of May, 1876, the Company entered into an agreement with the committee of visitors of the West Riding Pauper Lunatic Asylum with respect to the supply of water to the asylum, and by the Act of 1877 (section 17) it was provided that nothing in that Act should prejudice the said agreement, but that if the works authorised by the Act of 1876 should, by authority of Parliament, be abandoned, and another scheme for the supply of water substituted therefor, the Corporation should, as part of that scheme, construct a reservoir at an elevation not less than that of the Chevet Reservoir, authorised by the Act of 1876, and supply the said asylum with water therefrom; and it is expedient that the said asylum should be supplied with water from a reservoir by this Act authorised, and called the Lindle Hill Reservoir, which will be at an elevation greater than that of the Chevet Reservoir :

And whereas it is expedient that the Corporation should be empowered to supply water in bulk under certain circumstances, and to enter into agreements for that purpose, and that provision should be made with respect to meters and fittings, and for pre-

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A.D. 1880. venting waste, misuse, undue consumption, or contamination of the water supplied by them :

And whereas the Corporation have incurred liabilities, to the amount of ten thousand pounds or thereabouts, in constructing new filter beds, erecting new engines, and on other works and extensions in connection with their existing water undertaking, properly chargeable to capital account; and it is expedient that they should be authorised to raise money for discharging such liabilities as well as for the purposes of this Act :

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

And whereas estimates have been prepared by the Corporation for the purchase of land and construction of works by this Act authorised, and for other purposes of the Corporation in relation to their water undertaking, and such estimates are as follows, namely :

With respect to waterworks by this Act authorised £275,000

With respect to extension of mains and other works (including the said sum of £10,000) - £25,000

all which are permanent works within the meaning of section 234 of the Public Health Act, 1875 :

38 & 39 Vict.  
c. 55.

And whereas an absolute majority of the whole number of the council, at a meeting held on the eighth day of July, one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Wakefield Express," a local newspaper published or circulating in the borough of Wakefield, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to the promoting the Bill for this Act should be charged on the borough fund, the borough rates, and other public funds or rates under the control of the council :

And whereas such resolution was published twice in the said Wakefield Express, 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 on the thirteenth day of January, one thousand eight hundred and eighty, in pursuance of a similar notice, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough, by resolution in manner provided by Schedule III. annexed to the

Public Health Act, 1875, consented to the promotion of the Bill for this Act: A.D. 1880.

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

1. This Act may be cited as the *Wakefield Corporation Water-works Act, 1880.* Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Acts, 1847 and 1863, (except the provisions 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, contained in sections 75 to 83, both inclusive,) and the clauses and provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act, and are in this Act referred to as the incorporated Acts; and the provisions of the Railways Clauses Consolidation Act, 1845, shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith, and as if such reservoirs and works were therein referred to instead of "the railway," and if the boundaries of the said reservoirs and works were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the intended reservoirs. Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93. 8 & 9 Vict. c. 20.

3. In construing the incorporated Acts for the purposes of this Act, and in construing this Act, the following expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation of terms.

In the incorporated Acts the expressions "the undertakers" and "the promoters of the undertaking" shall mean the Corporation; the expressions "the railway" and "the centre line of the railway" shall, with respect to reservoirs, mean the margin of the reservoirs, as shown upon the deposited plans; and with respect to other works, shall mean the centre line thereof, as shown upon the deposited plans.

In this Act the several words and expressions to which meanings

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are assigned by the incorporated Acts shall have the same respective meanings.

The expression "the borough" shall mean the borough of Wakefield :

The expressions "the council" and "the town clerk" shall mean respectively the council and the town clerk for the time being of the borough :

The expression "the general district rate" shall mean the general district rate for the borough :

The expression "the district fund" shall mean the district fund of the borough :

The expression "the borough rate" shall mean the borough rate of the borough :

The expression "the borough fund" shall mean the borough fund of the borough :

The expressions "the Municipal Corporation Act" shall mean the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "To provide for the regulation of Municipal Corporations in England and Wales ;" and "Municipal Corporation Acts" shall mean that Act, and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England :

41 & 42 Vict.  
c. 25.

The expression "the Public Health Acts" shall mean the Public Health Act, 1875, the Public Health (Water) Act, 1878, and all Acts for the time being in force for amending or extending the same :

The word "person" shall include company and also corporation, whether aggregate or sole :

The expression "the water undertaking" shall mean the waterworks, lands, easements, undertaking, real and personal property, rights, powers, privileges and authorities transferred by the Company to the Corporation, or acquired or constructed by the Corporation under the powers of this Act :

The expression "water revenue" shall mean all income received by the Corporation for or in respect of the water undertaking :

The expression "the Water Acts" shall mean the Wakefield Waterworks Acts, 1862, 1873, 1874, and 1876.

In the incorporated Acts and this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

4. The Act of 1839 is hereby repealed.

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5. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by the council, and in accordance with the public general Statutes and local Acts and laws from time to time in force and relating to the Corporation and the council, their committees, agents, officers, and servants, and applicable for the purposes of this Act, and as nearly as may be as if the purposes of this Act were purposes of the Public Health Acts.

Repealing  
2 & 3 Vict.  
c. xxxv.  
Execution of  
Act by the  
Corporation.

6. Where, under the authority of the Municipal Corporation Acts or of the Public Health Acts, the council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act, except any power of making a rate or borrowing money, as the council think fit for the purpose of carrying into effect any specific orders of the council; and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council; or the council may appoint any committee for any purpose of this Act, except making any rate or borrowing money, so that the acts of every such last-mentioned committee shall, if the council so order, but not otherwise, be submitted to the council for approval; and the quorum of any such committee as in this section provided for shall be such as the council direct; and the council may from time to time make such regulations as they think fit for the guidance of any such committee; and the council may from time to time remove any members of any such committee, and appoint in the stead of them or any of them other members of the council.

Regulation  
as to com-  
mittees of  
council.

7. Section 11 of the Act of 1877, except so far as it enacts that, when and so soon as the assets of the Company shall have been distributed and their affairs wound up, the Company shall be dissolved, is hereby repealed, and the Water Acts, so far as they were in force at the time of the passing of the Act of 1877 and are not repealed or altered by this Act, and except such of the provisions thereof as relate to the constitution and share capital of the Company and the powers of the directors thereof, shall apply to the Corporation, and shall be deemed to have so applied from the vesting of the undertaking in them in like manner as, but for such vesting, they would have applied to the Company.

Repealing  
part of sec-  
tion 11 of  
40 & 41 Vict.  
c. cxviii.

8. The Water Acts and the Act of 1877 (so far as the same relates to waterworks), as each such Act is amended by any

Existing  
Acts and  
this Act to

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be read as  
one Act.

subsequent Act and by this Act, shall be read and construed as one Act with this Act.

Limits of  
Act.

9. The limits of this Act for the supply of water shall comprise and include the town and township of Wakefield and the townships of Alverthorpe - with - Thornes, Stanley - cum - Wrenthorpe, Sandal Magna, Walton, Chevet, Warmfield - cum - Heath, Normanton, Altofts, and Newland-cum-Woodhouse Moor; and so much of the Act of 1876 as defines the limits thereof as extending to any other township is hereby repealed.

Works au-  
thorised by  
39 & 40 Vict.  
c.ccxii. to be  
abandoned.

10. The Corporation shall relinquish the construction of the Darfield pumping station, and all other waterworks authorised by the Act of 1876, and shown upon the plans referred to in that Act.

Compensa-  
tion for  
damage to  
land by  
entry, &c.  
for purposes  
of works  
abandoned.

11. The abandonment by the Corporation under the authority of this Act of any portion of any work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company or the Corporation on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of the work, and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company or the Corporation to receive compensation for such temporary occupation, or for any loss, damage, or injury which has been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the Acts of 1876 and 1877.

Compensa-  
tion to be  
made in  
respect of  
portions  
of work  
abandoned.

12. Where, before the passing of this Act, any contract has been entered into or notice given by the Company or the Corporation for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act, the Corporation shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.



13. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the reservoirs, catchwaters, conduits, lines of pipes, and other waterworks in the West Riding of the county of York shown on the said plans, amongst which are comprised the following principal works; (that is to say,)

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Power to  
make water-  
works.

- (1.) A reservoir (in this Act called "Green Withens Reservoir") in the township of Rishworth, in the parish of Halifax, commencing on the Redmires Clough and terminating on the Green Withens Clough, five chains or thereabouts to the east of the junction of Thief Clough with Green Withens Clough;
- (2.) A reservoir (in this Act called "Ringstone Reservoir") in the townships of Rishworth and Barkisland, in the parish of Halifax, to be formed by two embankments, one of such embankments commencing in the township of Barkisland, near a farmhouse called Clay House, occupied by William Gledhill, and terminating in the same township thirty chains or thereabouts eastward of a farmhouse called Cliff; and the other of such embankments commencing in the same township near a farmhouse called Withens, and terminating in the same township eight chains or thereabouts south-eastward of a farmhouse called Saint Michael's Mount;
- (3.) A reservoir (in this Act called "Ardsley Reservoir") in the township of West Ardsley, in the parish of Woodkirk, otherwise West Ardsley, and the township and parish of East Ardsley, to be formed by an embankment near a place called "the Bottoms;"
- (4.) Filter beds (in this Act called "Kirkham Filter Beds") in a field in the township of East Ardsley, situate at or near the top of Jaw Hill;
- (5.) A service reservoir (in this Act called "Lindle Hill Reservoir") in a field and wood at or near the top of Lindle Hill, and adjacent to Lindle Hill Quarry;
- (6.) A catchwater or conduit (in this Act called "Linsgreave Catchwater") in the township of Rishworth, extending from Linsgreave Clough to Green Withens Reservoir;
- (7.) A catchwater or conduit (in this Act called "Green Withens Catchwater") in the township of Rishworth, extending from Old Washfold Clough to Green Withens Reservoir;
- (8.) A catchwater or conduit (in this Act called "Castle Dean Catchwater") in the township of Rishworth, extending

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from a point 20 chains or thereabouts north-westward of the Darby turnpike toll bar house to Oxygrains Catchwater, hereinafter described;

- (9.) A catchwater or conduit (in this Act called "Oxygrains Catchwater") in the township of Rishworth, extending from Castle Dean Clough to Moss Moor Catchwater, hereinafter described;
- (10.) A catchwater or conduit (in this Act called "Moss Moor Catchwater") in the townships of Rishworth and Barkisland, extending from Spa Clough to Ringstone Reservoir;
- (11.) A line of pipes or conduit (in this Act called "Green Withens Compensation Conduit") in the township of Rishworth, from the embankment of Green Withens Reservoir to Castle Dean Clough;
- (12.) A line of pipes or conduit (in this Act called "Ringstone Compensation Conduit") in the townships of Barkisland and Rishworth, from the embankment of Ringstone Reservoir to Temple Mill dam;
- (13.) A line of pipes (in this Act called "line of pipes No. 1") from Ringstone Reservoir to Ardsley Reservoir;
- (14.) A line of pipes (in this Act called "line of pipes No. 2") from Ardsley Reservoir to Lindle Hill Reservoir;
- (15.) Two conduits or bye-channels (in this Act called "Ardsley Bye-Channels") commencing on opposite sides of the stream of water which forms the boundary of the townships of West Ardsley and East Ardsley, and terminating in the same stream in Bottoms Wood, on opposite sides of such stream;

together with all necessary and proper embankments, dams, byewashes, weirs, gauges, valves, sluices, driftways, culverts, tunnels, channels, conduits, pipes, filter beds, roads, approaches, sewers, drains, works, and conveniences connected therewith or incident thereto respectively; and may enter upon, take, and use such of the lands delineated on the deposited plans, and described in the deposited book of reference, as may be required for that purpose; and may take, divert, impound, appropriate, and use for the purposes of this Act all or any of the waters of the following streams, cuts, or gutters, that is to say, Booth Dean Clough, Butts Clough, Pickard gutter, Stake gutter, and the several tributaries, brooks, rivulets, watercourses, and springs which now flow into any of the said streams, cuts, or gutters above the sites of the embankments of Green Withens Reservoir and Ringstone Reservoir,

or which may be intercepted by the reservoirs, catchwaters, and other works by this Act authorised, and as may be found in, upon, or under any land which may be acquired by the Corporation under the powers of this Act. A.D. 1880.

14. The persons empowered by the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, respectively, to sell, or convey, or lease lands, shall, subject to the provisions of those Acts and of this Act respectively, have full power to grant to the Corporation in fee, either absolutely or in consideration of any yearly or other rent, any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Corporation compulsorily (not being an easement of water) which the Corporation may from time to time think requisite for any of the purposes of this Act. Owners  
may grant  
easements.

15. For the purposes of this Act, the provisions of the Lands Clauses Consolidation Acts Amendment Act, 1860, with respect to lands and rent-charges shall extend and apply to easements and rent-charges granted or reserved by grants of easements under this Act. Application  
to easements.

16. In the construction of the works authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans, and described in the book of reference, to the extent of the limits of lateral deviation marked thereon, and may deviate vertically from the levels shown on the deposited sections, in the case of reservoirs, to any extent not exceeding three feet, either upwards or downwards, and in the case of other works to any extent not exceeding five feet, either upwards or downwards: Provided always that the Corporation shall not, in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining-wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall, and three feet in addition. Limits of  
lateral and  
vertical  
deviation.

17. The Corporation may purchase by agreement, for any of the purposes of this Act, in addition to the lands delineated on the deposited plans, and referred to in the deposited book of reference, any quantity of land not exceeding in the whole fifty acres; but they shall not upon any land so purchased erect any building except such as may be required for the purposes of the waterworks, including dwelling-houses for officers or men employed in or about the waterworks. Additional  
lands.

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Power to divert roads, &c.

**18.** The Corporation may divert all roads marked for that purpose upon the deposited plans, and all other roads and ways within the limits of deviation defined on the deposited plans which would interfere with the construction, use, and occupation of the works and lands by this Act authorised to be made and taken, and may appropriate, for the purposes of this Act, the sites of the roads and ways so diverted or stopped up, so far as they are bounded on both sides by lands of the Corporation.

Notice to be given of taking houses of labouring classes.

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

Period for compulsory purchase of lands.

**20.** The powers of the Corporation for the compulsory purchase of lands for any of the purposes of this Act, shall not be exercised after the expiration of five years from the passing of this Act.

Period for completion of water-works.

**21.** If the waterworks by this Act authorised to be constructed shall not be completed within ten years from the passing of this Act, then, on the expiration of that period, the powers of the Corporation under this Act for making the waterworks or otherwise in relation thereto shall cease to be exercised, except as to so much as is then completed: Provided always that subject to the provisions of this Act, the Corporation from time to time may alter, enlarge, renew, relay, and extend their engines, machinery, mains, and pipes in such way and manner as shall be necessary for supplying water within the limits of this Act.

For the protection of the estates of Henry Savile in the townships of Rishworth and Soothill Upper.

**22.** The following provisions shall apply and have effect for the protection of the estates in the township of Rishworth and Soothill Upper, in the county of York, of which Henry Savile is, or claims to be, tenant for life, and for the protection of the said Henry Savile or other the owner or owners for the time being of the said estates, or any part thereof, all of whom are in this section meant by and included in the expression "the owner."

All lands, rights, easements, interests, and privileges required by the Corporation from the owner or owners for the time being of the said estates for the purposes of this Act shall be acquired and held subject to the following provisions; that is to say,

(a.) The Corporation shall, as soon as may be after they shall

have taken possession of the land required for the construction of the Green Withens Reservoir, in the township of Rishworth, or for any of the works or purposes in connection therewith, and shall have been required so to do by the owner, fence off the same land from the other lands of the owner with a good and sufficient fence, and shall for ever after maintain the same, and renew such fence when necessary; and the Corporation shall include in the works to be constructed by them on the said lands the formation of a private roadway, at least ten feet wide, over the embankment of the said reservoir, and such roadway shall be formed and completed to the reasonable satisfaction of the owner or his agent, and the right of user in common with the Corporation of such roadway, and of any road or roads of approach to the said reservoir, shall be secured to the owner, and his lessees, tenants, and servants, and other persons authorised by him or them, by proper reservations and provisions to be inserted in the conveyance or conveyances to be made to the said Corporation, but upon such condition as to maintenance and repair when such roadway or roads are used by the said owner, or his tenants, or other persons aforesaid, as may, from time to time, be agreed upon between the owner and the Corporation, or, if they cannot agree, as may be settled by arbitration in the mode prescribed by the Common Law Procedure Act, 1854, or any statutory modification thereof in force for the time being.

- (b.) The Corporation shall construct, maintain, and keep the catchwaters, conduits, and lines of pipes for conveying the water through the said estate watertight, and the Corporation shall from time to time make good any damage done or which may occur to the said estate or the owner or his tenants during the construction or maintenance of the works by reason or in consequence of the bursting, leaking, overflow, or any failure of any of the works authorised by this Act.
- (c.) Notwithstanding the construction by the Corporation of the catchwater, conduit, and other works through the said estate, the owner shall not be precluded from improving by drainage such portions of his estate as are now or hereafter may be enclosed, provided that the waters arising from such drainage shall not, without the consent of the Corporation, be diverted from the said catchwaters, conduits, and other works, nor shall the owner be precluded from

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the cultivation and improvement of the same portions of his estate by the application thereto of limes, manures, or other fertilising substances; but if the Corporation shall consider that any portion of the waters intercepted by such conduits and other works is fouled or deteriorated by such cultivation or improvement, they may, if they so think fit, at their own expense carry such waters as they may consider so fouled or deteriorated across the said catchwaters, conduits, and other works by side channels, culverts, pipes, or other means, and discharge the same waters upon the lands of the owner at the other side of such catchwaters, conduits, and other works: Provided always that, subject to the right of any present tenant to compensation, nothing herein contained shall authorise the owner or occupier of any land to foul any water intercepted by the Corporation by the process of surface irrigation with water and manure called swilling, or to swill any land from which water may be collected by the Corporation, and the said process shall, as regards any lands lying above or at a higher level than the said catchwaters, conduits, and other works, absolutely cease to be carried on.

- (d.) The Corporation in constructing the Moss Moor Catchwater through the enclosed lands belonging to the said estate, and lying between the properties numbered respectively from 19 to 68 (both inclusive) on the deposited plan, and also in constructing the Ringstone Compensation Conduit (except so much thereof as may be constructed within the land defined as No. 29 on the deposited plan) shall cover over the same for a depth of not less than two feet, and shall restore the surface as far as may be to the same condition as the same was in before the commencement of the works. But it shall be lawful for the Corporation, by means of the said Moss Moor Catchwater, and any necessary works connected therewith, to intercept and divert all streams, springs, and other water flowing through or arising out of the said properties, from 19 to 68 inclusive.
- (e.) The Corporation shall, to the reasonable satisfaction of the owner or his agent, construct and maintain such number of passages, not exceeding eight per mile, over any uncovered catchwater or conduit (such passages not being of a greater width than nine feet each) as may be necessary for the convenient use and enjoyment of the land on either side thereof.

- (f.) If the present supply of water for domestic purposes to any dwelling or homestead on the said estate shall be diminished, cut off, or destroyed in consequence of the execution of the works authorised by this Act, the Corporation shall, to the reasonable satisfaction of the owner or his agent, provide and continue in lieu thereof a supply of water to make up the deficiency.
- (g.) The Corporation shall not in the construction of the said works use the private roads leading to the Shooting Lodge on the said estate, but shall be at liberty to use all other private roads upon the said estate for the conveyance of the materials required, and for the passage of the work-people and others in the construction of the said works, and for all other necessary purposes; and during the construction of the said works the Corporation shall keep such of the same roads as they may use in good repair, and upon the completion of the said works leave the same roads in good condition.
- (h.) No temporary huts and erections which shall be required by the Corporation in the said township of Rishworth for the accommodation of overseers, servants, workmen, navvies, and other persons employed during the construction of the said works, shall be erected upon any part of the moorland, except in some convenient place or places by the side of the Oldham and Ripponden Turnpike Road, but the Corporation shall be at liberty to construct offices for their officials, stables for their horses, and two huts for the horse-keepers, at or near the embankment of the Green Withens Reservoir.
- (i.) The exclusive right of fishing, fowling, and sporting in and over the Green Withens Reservoir and all other waterworks to be constructed under this Act in the township of Rishworth, and in and over the Ringstone Reservoir, are hereby reserved exclusively (but as privileges appurtenant to and inseparable from the ownership of the said Rishworth Estate as regards the said Green Withens Reservoir and other waterworks in the said township of Rishworth, and as regards the said Ringstone Reservoir, to the lordship of the Manor of Barkisland) to the owner, who shall be at liberty to keep one boat upon each reservoir, and to erect and maintain a sufficient boat-house on the banks thereof, but so as not to interfere with the works of the Corporation for the covering and protection thereof: Provided, nevertheless, that such rights, powers, and

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authorities, shall not be exercised so as to foul the waters of those reservoirs, and shall not in any wise interfere with the right, power, and authority of the Corporation at all times to draw off the water from the said reservoirs, and to do all such other acts, matters, and things whatsoever as may be necessary for cleaning and repairing the said reservoirs and works connected therewith, and for preventing the water therein from being fouled, or for preventing the accumulation of fish to an unreasonable extent so as to affect the quality or taste of the water: Provided, nevertheless, that if it shall be necessary to draw off the water to a lower level than ten feet above the invert of the upper end of the discharge culvert or tunnel of the reservoir, the owner shall have seven clear days' notice in writing of the intention of the Corporation to draw off the water.

(k.) The Corporation shall in laying the line of pipes in the parish of Batley and Dewsbury between the turnpike road leading from Dewsbury to Batley and Soothill Lane, so lay the same as to interfere as little as may be with the use by the owner and his lessees and tenants of any private tramway or roadway now existing, and with the future adaptation of the same as a street or road, with necessary drains therein for building purposes, and in case such pipe shall be found at any time hereafter to interfere with such adaptation, the said pipe, and the course or level thereof, as the case may require, shall, at the expense of the Corporation, be altered by the Corporation (so far as they lawfully can, and so far as the same may be consistent with the efficient maintenance and use of the works of the Corporation), so as to prevent such interference, and the Corporation shall pay to the owner or his lessees or tenants compensation for any damage caused by injury to any such tramway or roadway as aforesaid, or by interruption of the traffic thereon, the amount of such compensation to be ascertained, in case of difference, as if the same were a case of disputed compensation under the Lands Clauses Consolidation Act, 1845.

Protection of  
Lancashire  
and York-  
shire, Great  
Northern,  
and London

**23.** In constructing and maintaining the conduits and other works by this Act authorised, where they are intended to cross under, over, or alongside of the railways, stations, sidings, or works of the Lancashire and Yorkshire Railway Company, of the Great Northern Railway Company, and of the London and North-Western



Railway Company respectively, the Corporation shall be subject to the following conditions, viz. : A.D. 1880.

and North-  
Western  
Railway  
Companies.

- (1.) All works under, over, alongside, or affecting the said railways, stations, sidings, and works (all which things are comprised in the word "railways" when used in this section) shall be executed, and for ever after maintained, at the expense of the Corporation, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the railways so affected or interfered with, and according to plans and specifications previously submitted to the said engineer, and approved by him in writing: Provided that if the said engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him, he shall be deemed to have approved thereof.
- (2.) The said works shall be constructed and maintained so that the traffic upon the railways shall not be in anywise impeded or interfered with.
- (3.) In case the Corporation shall not at all times duly maintain and keep repaired the said works at such crossings of and alongside of the railways, the railway company affected may effect such maintenance and repairs, and recover from the Corporation the amount of their expenditure in that behalf, with full costs; and if, by reason of the construction or maintenance of the said works or any of them, or the failure of any such works, or of the maintenance thereof or otherwise, the respective railways shall be injured, or the traffic thereon impeded, the Corporation shall compensate the railway companies respectively for all costs to which they may respectively be put in repairing the said damage, and shall also pay, by way of liquidated damages to the railway company affected, ten pounds for every hour during which such traffic shall be impeded.
- (4.) The Corporation shall also indemnify the said railway companies respectively for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railways, or by reason of any accident on the railways, which interruption or accident shall have been occasioned by the acts or defaults of the Corporation or any of their contractors or servants.
- (5.) The Corporation shall not acquire any estate or interest in the land and property of the Lancashire and Yorkshire

A.D. 1880.

Railway Company, or of the Great Northern Railway Company, other than an easement or right of constructing or maintaining therein the conduits and works by this Act authorised to be laid, or in exercising the powers conferred by this Act; but the Corporation shall not enter upon, take, or acquire any estate or interest whatsoever in the land and property of the London and North-Western Railway Company.

- (6.) The amount to be paid for the acquisition of an easement upon or under the railways and lands of the said Lancashire and Yorkshire and Great Northern Railway Companies respectively shall be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.
- (7.) Any difference which may arise between the engineer of the Corporation and the engineers of the said three companies respectively concerning the said plans or specifications, or concerning the execution of the said works, shall be from time to time settled by an umpire, to be agreed on by the said two engineers, or, in default of such agreement, to be appointed by the President of the Institution of Civil Engineers, upon the application of either party; and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, so far as they are applicable, apply to any such arbitration.

As to laying line of pipes No. 1 near viaduct of the Leeds and Dewsbury Railway.

**24.** No part of the work 13, line of pipes No. 1, where the same is proposed to be laid alongside and west of and co-extensive with the existing viaduct of the Leeds and Dewsbury Railway of the London and North-Western Railway Company, near and south of the Batley station thereon, shall at any point be laid nearer to the parapet wall on the western side of that viaduct than twenty-four feet.

Protection of Calder and Hebble and Aire and Calder Navigation.

**25.** Notwithstanding anything in this Act, it shall not be lawful for the Corporation to carry any of the works by this Act authorised, or any other mains, conduits, pipes, or other works, across the Calder and Hebble Navigation, (unless otherwise agreed in writing with the Company of Proprietors of the Calder and Hebble Navigation, hereinafter called "the Calder and Hebble Company;" and also if and so long as that navigation is let on lease with the lessees thereof,) or across the Aire and Calder Navigation, (unless otherwise agreed with the Undertakers of the Navigation of the Rivers of Aire and Calder, in the county of York, hereinafter called "the under-

takers,") excepting in the manner and under the following conditions and restrictions; that is to say, A.D. 1880.

- (a.) Line of pipes No. 1 shall be carried across the Calder and Hebble Navigation by means of the bridge called Cooper's Bridge, and no part of such line of pipes shall be at a lower level than the highest point of the soffit or underside of such bridge, and the clear opening under such bridge shall not be in any way diminished, or the permanent structure or masonry of such bridge interfered with.
- (b.) No other mains, conduits, pipes, or other works shall be carried across the Calder and Hebble Navigation or the Aire and Calder Navigation otherwise than by means of some public bridge across the same, and in such manner only as that such mains, conduits, pipes, and other works shall be laid inside the parapets of such bridge, and in all other respects in the same manner and under the same conditions and restrictions as are hereinbefore provided for carrying line of pipes No. 1 across Cooper's Bridge.
- (c.) The Corporation shall not, in carrying the said line of pipes No. 1 across the Calder and Hebble Navigation, or in carrying any other mains, conduits, pipes, or other works across that navigation or the Aire and Calder Navigation, or in maintaining such line of pipes or other mains, pipes, or works across such navigations, or in removing and relaying the same across any new or altered bridge as hereinafter provided, or in maintaining the same when so relaid, interfere with the said navigations or either of them, or the navigable waterway, banks, or towing paths thereof, or interrupt or impede the traffic thereon.
- (d.) It shall be lawful for the Calder and Hebble Company or their lessees, so far as regards Cooper's Bridge and any other bridge across the Calder and Hebble Navigation, and for the undertakers, so far as regards any bridge over the Aire and Calder Navigation, at any time or times, after giving the Corporation three months notice of their intention so to do, to remove, alter, or renew the said Cooper's Bridge, and any other bridge over the said navigations across which any mains, conduits, pipes, or other works of the Corporation shall be laid, in the same manner as they respectively might have removed, altered, or renewed such bridges if this Act had not been passed, and the line of pipes No. 1, or such other mains, conduits, pipes, or other works, as the case may be, had not been constructed or laid across such bridges, without making

A.D. 1880.  
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any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such removal, alteration, or renewal; and in the event of the said Cooper's Bridge, or any other bridge over the said navigations across which any mains, conduits, pipes, or other works may be laid as aforesaid, being altered or renewed, the Corporation shall at their own expense alter the position of the said line of pipes No. 1, or such other mains, conduits, pipes, or other works, and relay the same across such altered or renewed bridge in such manner only as is hereinbefore provided in respect to carrying the said line of pipes No. 1 across the existing bridge called Cooper's Bridge, and to carrying other mains, conduits, pipes, and other works over public bridges across the said navigations; and the Calder and Hebble Company and the undertakers, as the case may be, shall, in altering or renewing the said Cooper's Bridge or any such other bridge, make such provision for laying the said line of pipes No. 1, and other mains, conduits, pipes, and other works of the Corporation, across such altered or renewed bridge as the Corporation may reasonably require, but any additional expense caused thereby shall be borne by the Corporation.

(e.) All works of the Corporation affecting the said navigations or either of them, or the towing paths thereof, or any bridge over the same, shall be executed at the expense of the Corporation, and, if affecting the navigation or property of the Calder and Hebble Company, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Calder and Hebble Company or (if their navigation shall at the time be let on lease) of the engineer of their lessees; and if such works affect the navigation or property of the undertakers, then under the superintendence and to the reasonable satisfaction of the engineer for the time being of the undertakers, and in either case according to plans and specifications previously submitted to and approved by such engineers respectively; and in case of difference between either of such engineers and the Corporation concerning the said plans and specifications, or concerning the execution of the works, every such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party.

(f.) The Corporation shall, notwithstanding anything in this

Act and the Acts incorporated therewith, acquire only an easement in and upon such of the works, lands, or property of the Calder and Hebble Company or their lessees or the undertakers respectively as may be necessary for constructing or laying down and maintaining the said line of pipes No. 1 across Cooper's Bridge, and for laying down and maintaining any other mains, conduits, pipes, and other works of the Corporation across other bridges over the said navigations, as herein-before mentioned.

- (g.) The amount to be paid to the Calder and Hebble Company and their lessees or the undertakers, as the case may be, for the acquisition of any such easement as aforesaid, and also the amount of any compensation payable to them or any of them under this section, shall, in case of difference, be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.
- (h.) The Corporation shall not be entitled to carry any mains, conduits, pipes, or other works across either of the said navigations by means of any private bridge or bridge for the use of which the public are required to pay any toll to the Calder and Hebble Company or to the undertakers, except by special agreement with the Calder and Hebble Company or with the undertakers, as the case may be.
- (i.) If by reason of the construction, laying down, relaying, or maintenance, want of repair, failure, bursting, or leaking of any of the works by this Act, or the Acts incorporated therewith authorised, the said navigations, or either of them, or any works connected therewith, or any other property of the Calder and Hebble Company or the undertakers, or either of them, shall be damaged or injured, or the traffic upon the said navigations, or either of them, interrupted or impeded, the Corporation shall compensate the Calder and Hebble Company and their lessees or the undertakers, as the case may be, for any loss, damage, or expense occasioned to them respectively thereby, and shall free, and relieve, and indemnify them respectively from any claims, demands, damages, costs, and expenses which may be made against or recovered from them in consequence thereof.

26. Except as otherwise expressly provided by this Act, nothing herein contained shall entitle the Corporation to interfere with the Calder and Hebble Navigation or the Navigation of the Rivers Aire and Calder, or either of those navigations, or any of

Saving  
rights of  
Calder and  
Hebble  
Company

A.D. 1880.  
and undertakers of Aire and Calder Navigation.

the waters flowing into the same respectively, or by which such navigations are directly or derivatively supplied, or extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities of the Company of Proprietors of the Calder and Hebble Navigation or of the Undertakers of the Navigation of the Rivers of Aire and Calder, under or by virtue of the several Acts of Parliament now in force relating to the Calder and Hebble Navigation or the Navigation of the Rivers Aire and Calder, or otherwise, or repeal or amend any of such Acts or any of the provisions thereof, or extinguish, abridge, prejudice, or affect any powers or provisions in the Water Acts, or any of them, for the protection of or otherwise relating to the said company of proprietors and their lessees and the said undertakers, or any of them, and the navigations and other property belonging to or in lease to them respectively.

Reservation of water-rights, &c. on sale.

27. On the sale by the Corporation of any lands, they may reserve to themselves all or any part of the water-rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to the use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

No water to be appropriated till compensation provided.

28. Until either the Ringstone Reservoir or the Green Withens Reservoir shall be so far completed and so far filled with water as that water shall be capable of being discharged and be discharged from such reservoirs respectively into the cloughs or streams hereinafter in that behalf mentioned, in the quantity hereinafter provided to be discharged from such reservoirs respectively, and in accordance with the provisions hereinafter in that behalf contained, the Corporation shall not use, divert, interfere with, retain, or appropriate, for any other purpose whatsoever, any of the waters of the Booth Dean Clough or Butts Clough, or any of their tributaries.

Compensation water from Ringstone Reservoir.

29. As full compensation to all persons interested in the waters to be taken, impounded, and appropriated by means of the Ringstone Reservoir and Moss Moor Catchwater, the Corporation shall, before taking any portion of those waters for any other purpose whatsoever, cause to flow from the Ringstone Reservoir and to be discharged into Booth Dean Clough, at or near the western end of Temple Mill Dam, by means of the Ringstone Compensation Conduit, and into Butts Clough at a point not exceeding two hundred yards below the western embankment of the Ringstone Reservoir, on the days and during the hours

herein-after mentioned, the respective quantities of water herein-after mentioned, that is to say, (1) into Booth Dean Clough, if the Moss Moor Catchwater be constructed at the level thereof shown upon the deposited sections, two thousand one hundred and thirty-eight gallons per minute; and if that catchwater be constructed at a lower level than shown upon the said sections, such additional quantity of water per minute as (being supplied for twelve months, on the days and during the hours hereinafter mentioned) shall be equivalent to nine inches of the rain falling in twelve months on the additional area the water falling on or flowing from which the Corporation may be enabled to intercept or collect by means of the said catchwater in consequence of the construction thereof at such lower level; and (2) into Butts Clough, eighty-four gallons per minute.

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**30.** If any difference at any time arises between the Corporation and any person or persons interested in the waters of Booth Dean Clough as to the additional quantity of water to be discharged into that clough by reason of the construction of the Moss Moor Catchwater at such lower level as aforesaid, the same shall from time to time (unless otherwise agreed) be determined at the expense of the Corporation by arbitration, in manner provided by the Lands Clauses Consolidation Act, 1845, with reference to the settlement by arbitration of questions of disputed compensation; provided that every arbitrator and umpire to be appointed for the purposes of any such arbitration shall be a competent water engineer.

As to settle-  
ment of dis-  
putes with  
respect to  
additional  
quantity of  
water to be  
discharged  
into Booth  
Dean  
Clough.

**31.** As full compensation to all persons interested in the waters to be taken, impounded, and appropriated by means of the Green Withens Reservoir, and of the Linsgreave Catchwater, Green Withens Catchwater, Oxygrains Catchwater, and Castle Dean Catchwater, the Corporation shall, before taking any portion of those waters for any other purpose whatsoever, cause to flow from the Green Withens Reservoir, and to be discharged into the Castle Dean Clough below the embankment of the Green Withens Reservoir, and by means of the Green Withens Compensation Conduit, one thousand two hundred and forty-nine gallons of water per minute, on the days and during the hours herein-after mentioned.

Compensa-  
tion water  
from Green  
Withens  
Reservoir.

**32.** When and so soon as the Corporation have constructed Green Withens Reservoir, and are enabled to supply water therefrom, they shall be at liberty to discharge therefrom the whole of the compensation water herein-before provided to be discharged from the Ringstone Reservoir and Green Withens Reservoir respectively (except the quantity of eighty-four gallons per minute

Regulation of  
flow of  
compensa-  
tion water.

A.D. 1880. — to be discharged into Butts Clough) entirely from the Green Withens Reservoir, and may thereupon cease to discharge any water by way of compensation from the Ringstone Reservoir except the said quantity of eighty-four gallons per minute, which shall continue to be discharged into Butts Clough as herein-before provided; and if the Corporation shall construct Green Withens Reservoir, and shall discharge therefrom the compensation water in this section firstly mentioned before taking water for any other purpose from the Ringstone Reservoir, they shall not be required to construct the Ringstone Compensation Conduit.

As to mode and time of discharging compensation water.

**33.** The several quantities of compensation water herein-before respectively mentioned shall be respectively discharged in a regular, equal, constant, and continuous supply during eleven hours of each of the working days in the year, as herein-after defined, except Saturdays, and during six hours of each Saturday of such working days, commencing at six o'clock in the morning of each day in the case of water discharged from the Ringstone Reservoir, and at five o'clock in the morning of each day in the case of water discharged from the Green Withens Reservoir.

Definition of working days.

**34.** The working days in every year which are herein-before referred to shall be those which remain after excluding Sundays, Good Friday, and Christmas Day.

Gauges to be constructed.

**35.** The Corporation shall construct, and for ever after maintain in convenient places, a suitable measuring gauge or gauges, which gauge or gauges shall be of the construction called slot gauges, over or through which the said respective quantities of compensation water shall flow; and every such gauge shall be examined, and, when approved as fit and proper for the purpose, shall be certified accordingly, at the expense of the Corporation, by Thomas Barham Foster, of Manchester, Civil Engineer, or, in case of his death, incapacity, or refusal to act, by some other competent and impartial engineer, to be appointed by the President for the time being of the Institution of Civil Engineers, upon the application of the Corporation or of any person or persons interested, and shall thereafter be open to the inspection and examination of the Company of Proprietors of the Calder and Hebble Navigation or (if that navigation shall be let on lease) of their lessees, and of the Undertakers of the Navigation of the Rivers Aire and Calder, and also of the owners and occupiers of the several present and future mills and works interested therein, down to and inclusive of any mill or work on Cooper Bridge Dam Fall on the Calder, or of the agents of such respective company or their lessees, undertakers, owners, and occupiers specially appointed



in that behalf; and if any dispute shall arise between the engineer of the Corporation for the time being, on the one hand, and the said Thomas Barham Foster or other engineer to be appointed as aforesaid, on the other hand, as to the suitability or fitness of any gauge or gauges constructed by the Corporation, such dispute shall be determined by an umpire, who shall be a water engineer of eminence, to be appointed by both parties to such dispute, or, in case they differ concerning such appointment, in the manner provided by the Common Law Procedure Act, 1854, or any statutory modification thereof, and the umpire shall, if he decides such gauge or gauges to be suitable and appropriate, certify the said gauge or gauges accordingly.

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17 & 18 Vict.  
c. 125.

**36.** In case the Corporation shall wilfully or negligently fail to discharge the quantity of water required as aforesaid to be discharged from and out of the Ringstone Reservoir or, as the case may be, the Green Withens Reservoir, they shall, for and during every day on which such failure shall occur, pay by way of liquidated damages to the Company of Proprietors of the Calder and Hebble Navigation or (if that navigation shall be let on lease) to their lessees, and to the Undertakers of the Navigation of the Rivers of Aire and Calder, and also to the occupier of any and every mill or works using water as a motive power affected thereby (such mills or works including and not being lower down than any present or future mill or works erected on Cooper Bridge Dam Fall upon the river Calder), the sum of five pounds, and every such sum may be recovered in any court of competent jurisdiction.

Compensation on failure to supply the stipulated quantity of water.

**37.** The Corporation shall, and they are hereby required, from time to time and at all times for ever hereafter, to pay and make good to the owners, lessees, and occupiers of all mills, manufactories, dwelling houses, buildings, lands, and grounds, and every person whomsoever, all loss, costs, charges, sum and sums of money, damages, and expenses whatsoever, and for all injury of what nature and kind soever, which such owners, lessees, or occupiers, or other persons may suffer, incur, pay, expend, or be put unto by reason or in consequence of the failure or giving way of the reservoirs, embankments, or other works of the Corporation.

As to damages in case of failure of works.

**38.** The Corporation shall not supply water, either directly or indirectly, in any of the townships or places within the limits of supply of the Corporation of Huddersfield as defined by the Huddersfield Water Act, 1869, and extended by any Act of Parliament since passed, or which may be passed in that behalf during the present session of Parliament, except with the consent

Protection of Corporation of Huddersfield.  
32 & 33 Vict.  
c. cx.

[Ch. lvii.] *Wakefield Corporation Water-* [43 & 44 VICT.]  
*works Act, 1880.*

A.D. 1880. of the Corporation of Huddersfield in writing under their corporate seal.

Protection of streets in Huddersfield.

By way of addition to, and not in diminution or restriction of, the provisions of the Waterworks Clauses Act, 1847, with respect to the interference with and restoration and repair of roads, or incident thereto, the following provisions shall, with respect to roads or street sewers, drains, and gas and water pipes interfered with by the Corporation within the borough of Huddersfield, have effect; (namely,)

1. In constructing any works authorised by this Act, it shall not be lawful for the Corporation of Wakefield to alter the level of any such road or street, sewer, drain, gas pipe or water pipe belonging to or under the control of the Corporation of Huddersfield, except with the consent of that Corporation.
2. Any works of alteration of sewers, drains, or gas pipes or water pipes belonging to the Corporation of Huddersfield shall be executed according to plans to be approved by the borough surveyor of Huddersfield, and shall be executed by the workmen of the Corporation of Huddersfield under the superintendence of such borough surveyor, and to his satisfaction; and all costs and expenses of and incident to such works shall be paid by the Corporation of Wakefield to the Corporation of Huddersfield forthwith on the completion of such works.
3. A clear and sufficient carriage way shall be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Corporation of Wakefield for the purposes of this Act; and in case of default in compliance with this enactment the Corporation of Huddersfield may, by their own servants and workmen, clear and keep clear such carriage way, and may recover the expenses of and incident thereto from the Corporation of Wakefield.
4. No greater length than one hundred yards of any such road or street shall be broken up at any one place at one time without the consent of the Corporation of Huddersfield, nor without the like consent shall any works be carried on at the same time within that borough at a less interval than two hundred yards from each other; and in case any trench or cutting on any such road or street shall be flooded with water, the Corporation of Wakefield shall not cast the same upon any part of such road or street, but shall, by proper

means, convey such water away to the nearest convenient sewer, drain, or channel of sufficient capacity, or to such sewer, drain, channel, or place as shall be pointed out by the borough surveyor of Huddersfield. A.D. 1880.

5. The Corporation of Wakefield shall pay to the Corporation of Huddersfield full compensation for all damage (if any) occasioned during the progress of the works by this Act authorised to those parts of the roads in the borough of Huddersfield in or through which any mains authorised by this Act shall be laid which may not be actually broken up, but which, by reason of the increased traffic thrown thereon, or otherwise, may be prejudicially affected by such works; and if any dispute shall arise as to whether any such damage has been so occasioned, or as to the amount of such compensation, every such dispute shall be settled by arbitration, in the manner provided by the Lands Clauses Consolidation Act, 1845.
6. No water main shall be laid down by the Corporation of Wakefield in any road or street within the borough of Huddersfield within such a distance as may prevent the Corporation of Huddersfield from having sufficient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the Corporation of Huddersfield, and laid down in the same road or street.

**39.** For the protection of the Dewsbury and Heckmondwike Waterworks Board (in this section referred to as "the Waterworks Board"), the mayor, aldermen, and burgesses of the borough of Dewsbury (in this section referred to as "the Dewsbury Corporation"), and the Heckmondwike Local Board of Health (in this section referred to as "the Heckmondwike Board"), the following provisions shall have effect; (that is to say,)

Protection of  
Dewsbury  
and Heck-  
mondwike  
Waterworks  
Board, &c.

- (1.) Nothing in this Act contained shall authorise or empower the Corporation to interfere with any of the reservoirs, conduits, water mains, or pipes belonging to the Waterworks Board, or with any of the water or gas mains or pipes of the Dewsbury Corporation or the Heckmondwike Board, without first obtaining the written consent and approval of the said Waterworks Board, or the Dewsbury Corporation, or the Heckmondwike Board respectively, and under the superintendence and control of their respective engineers or officers, and subject to the provisions of the Waterworks Clauses Act, 1847, as though

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water and gas mains and pipes were expressly mentioned therein.

- (2.) The Corporation shall not, either directly or indirectly, supply water in any place or to any persons within the borough of Dewsbury, in the county of York, or within the district of the Heckmondwike Board, in the same county, or construct any works or lay down any pipes for such supply of water within the said borough and district.
- (3.) Nothing in this Act contained shall lessen, prejudice, diminish, alter, vary, or take away any of the rights, powers, privileges, or authorities of the Waterworks Board, the Dewsbury Corporation, or of the Heckmondwike Board, under the Public Health Act, 1875, the Dewsbury and Heckmondwike Waterworks Act, 1876, the Waterworks Clauses Act, 1847, or any Acts or Act amending any of the said Acts, to supply water by agreement to any persons or places beyond the limits of the borough of Dewsbury, or of the district of the Heckmondwike Board.

39 & 40 Vict.  
c. clxxxv.

Protection of  
Corporation  
of Batley.

**40.** The following provisions shall have effect with respect to the Corporation of Batley :

- (1.) Nothing in this Act contained shall authorise or empower the Corporation to alter or interfere with any of the reservoirs, conduits, water mains or pipes, or with any of the gas mains or pipes, of the Batley Corporation, either within or without the borough of Batley, except with the approval and written consent of the Batley Corporation first had and obtained, and under the superintendence and control of the Batley Corporation or their officers, and subject to the provisions of the Waterworks Clauses Act, 1847, as though water and gas mains and pipes were expressly mentioned therein.
- (2.) The Corporation shall not, either directly or indirectly, supply water in any place or to any persons within the borough of Batley, or construct any works, or lay down any pipes for such supply of water within the borough of Batley aforesaid.
- (3.) Nothing in this Act contained shall lessen, prejudice, alter, vary, or take away any of the rights, powers, privileges, or authorities of the Batley Corporation under the Public Health Act, 1875, the Batley Corporation Waterworks Act, 1871, the Batley Corporation Waterworks Act, 1878, the Waterworks Clauses Act, 1847, or any Act or Acts

34 & 35 Vict.  
c. xl.  
41 & 42 Vict.  
c. xxvii.

amending any of the said Acts, to supply water by agreement to any persons or places beyond the limits of the borough of Batley aforesaid. A.D. 1880.

41. Nothing in this Act contained shall authorise or empower the Corporation, except with the consent in writing of the mayor, aldermen, and burgesses of the borough of Bradford, under their common seal, to supply water, either directly or indirectly, by themselves or any person or persons or body whomsoever, in any place within the limits of supply of the said mayor, aldermen, and burgesses of the borough of Bradford, as the same are mentioned or set forth in the Bradford Improvement Act, 1873, or to construct or authorise to be constructed any works for such supply, or in any way interfere with the rights, powers, or privileges of the said mayor, aldermen, and burgesses. Protection of the Bradford Corporation.  
36 & 37 Vict. c. clxvii.

42. The following provisions shall have and take effect for the protection of the rights, privileges, powers, and authorities of the mayor, aldermen, and burgesses of the borough of Halifax (hereinafter called the Corporation of Halifax): Protection of the interests of the Corporation of Halifax.

(a.) Notwithstanding anything in this Act contained, the Corporation shall not, except as is herein-after provided, either directly or indirectly, supply any water nor enter into any contract with any corporation, local board, or other local authority, company, or person, whereby any water may be, either directly or indirectly, supplied or used within the limits, for the purposes of water supply by the Corporation of Halifax, defined by the Halifax Water and Gas Extension Act, 1876, and by the Acts referred to in the First Schedule to the last-mentioned Act, nor within any township, district, or place within which water is, at the time of the passing of this Act, either directly or indirectly supplied by the Corporation of Halifax. 39 & 40 Vict. c. ccxxxiv.

(b.) Notwithstanding the last preceding enactment, the Corporation may supply water for the purpose of being used within the townships of Soothill, Thornhill, and Mirfield, subject to either of the following conditions:

That the daily quantity of one million gallons of water shall be from time to time taken from the Corporation of Halifax by the "purchaser," as defined in section 11 of the Halifax Water and Gas Extension Act, 1870, before any water is, either directly or indirectly, supplied by the Corporation for the purpose of being used within any of the said townships, and the Corporation shall then supply only such daily quantity as may be in excess of the said one 34 & 35 Vict. c. xciv.

A.D. 1880. million gallons, or that the Corporation of Halifax shall first have failed to supply the daily quantity of water which they may from time to time be required to deliver under the provisions of the said 11th section, in which case it shall be lawful for the Corporation from time to time to supply such daily quantity only as may be required to make up for such deficiency of supply.

Saving rights of Corporation of Halifax.

43. Except as herein expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, privileges, authorities, and powers now vested in or used or exercised by the mayor, aldermen, and burgesses of the borough of Halifax.

Protection of the Liversedge Local Board.

44. The Corporation shall not, without the consent in writing of the Local Board for the district of Liversedge under their common seal, purchase, take, or use, temporarily or permanently, any lands belonging to the said Local Board; but the Corporation may purchase, and the said Local Board may and shall sell and grant to the Corporation, on such terms as to price as shall be agreed upon, or, failing agreement, as shall be settled by arbitration, in the manner provided by the Lands Clauses Consolidation Act, 1845, an easement to construct and lay down, and for ever thereafter maintain and repair, such portion of the line of pipes No. 1 as may pass through the lands of the Local Board in the townships of Liversedge and Heckmondwike, in the parish of Birstal, numbered 7 and 9 on the deposited plans, and in the parish of Dewsbury numbered 14 on the said plans, and also all such works as may be necessary to effectually guard and protect such line of pipes from injury or interference, and the said easement shall include a right to the Corporation to pass and repass over and along such portion of the said land as may be occupied by or used for the said line of pipes from time to time to examine and repair the said pipes and works: Provided, and it shall be a condition upon which any such easement or right shall be purchased or acquired by the Corporation that the said Local Board, their successors and assigns, shall not be liable or responsible to the Corporation, or to any other person or persons, for any loss or damage to or sustained by such Corporation, person or persons (except from wilful injury or damage), or from any injury to the pipes, works, or water of the Corporation, person or persons arising from or caused by or in consequence of the drainage or other works constructed or to be constructed by the said Local Board in or upon any of the said lands, or otherwise caused to the said Corporation, person or persons by or from the use and occupation of such lands by the said Local Board, their successors or assigns: Provided also that the said

pipes shall be laid in, through, or across any such lands, and the said works shall be constructed and executed at the cost of the Corporation, under the superintendence and to the satisfaction of the engineer for the time being of the said Local Board, in such direction, within the limits of deviation upon the deposited plans, at such depth, and according to such plans and sections as shall be settled and approved by Robert Rawlinson, Esq., C.B., the chief engineer to the Local Government Board, or, in case of his death or refusal to act, then by some other eminent engineer, to be appointed by the Local Government Board, on the application of either party; and the said Robert Rawlinson or such other engineer shall also decide as to the necessity of any of the said works proposed to be executed by the Corporation in pursuance of the easement so to be purchased and acquired by the Corporation as aforesaid in the lands of the said Local Board.

By way of addition to, and not in diminution or restriction of, the Waterworks Clauses Consolidation Act, 1847, with respect to the interference with and restoration and repair of roads, or incident thereto, the following provision shall, with respect to the roads or streets, main sewers, main drains, and water drains and water mains interfered with by the Corporation within the district of the said Local Board of Liversedge, have effect, namely:

- (1.) In constructing any works authorised by this Act, it shall not be lawful for the Corporation to alter the level of any such road or street, main sewer, main drain, or water main except with the consent in writing of the said Local Board, under their common seal, which consent shall not be unreasonably withheld.
- (2.) Any works of alteration or repair of streets, roads, main drains, or water mains belonging to the Local Board which may be altered or in any way injured or damaged by the Corporation in the exercise of the powers of this Act, or of any Act wholly or partially incorporated herewith, shall be executed according to plans to be approved by the surveyor of the Local Board (which approval shall not be unreasonably withheld or delayed), and shall be executed by the workmen of the Local Board, under the superintendence of such surveyor and to his reasonable satisfaction, and all costs and expenses of and incident to such works shall be paid by the Corporation forthwith on the completion of such works.
- (3.) A clear and sufficient carriage-way shall, if practicable, be kept for the passage of carriages and traffic along every

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such road or street during any interference therewith by the Corporation; and in case of default in compliance with this provision the Local Board may, by their own servants and workmen, clear any such carriage-way, and may recover the expenses of and incident thereto from the Corporation.

- (4.) No greater length than one hundred yards of any such road or street shall be broken up, at any one place at one time, without the consent of the Local Board; and in case any branch or cutting on any such road or street shall be flooded with water, the Corporation shall not cast the same upon any part of such road or street, but shall, by proper means, convey such water away to the nearest convenient sewer, drain, or channel of such sufficient capacity, or to such sewer, drain, or channel as shall be pointed out by the surveyor of the Local Board.

Regulations  
for pre-  
venting  
waste of  
water.

**45.** For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the Corporation may from time to time, but only within the district within which they are bound to give a constant supply of water, make such bye-laws or regulations (subject to the approval of the local government board) as they think necessary, and may thereby prescribe the size, nature, and strength of the pipes, cocks, and other apparatus whatsoever to be used, and may interdict any arrangements and the use of any pipes, cocks, or other apparatus which may tend to such waste or misuse as aforesaid; but the person or persons supplied, or requiring or entitled to be supplied, with water by the Corporation, or liable to the payment of any rate or rent for such water (herein and in such regulations called consumers), shall not be required to alter or remove, in compliance with such regulations, any pipes or apparatus by means of which, at the commencement of this Act, water is supplied to them by the Corporation, unless such pipes or apparatus shall, in the opinion of the Corporation, be defective, or conduce to the waste, misuse, undue consumption, or contamination of water, and the Corporation shall have given notice thereof in writing to the consumer, and the Corporation (except on emergency) shall allow the consumer not less than ten days after such notice to comply with any requirement thereunder. All bye-laws and regulations made by the Corporation under this section shall be subject to the provisions contained in sections 182 to 189, both inclusive, of the Public Health Act, 1875, and all penalties incurred for breach of any such bye-laws or regulations shall be recoverable in manner prescribed by that Act for the recovery of penalties. A printed copy of any bye-laws or regulations purporting



to have been made by the Corporation under the powers contained in this section, and to be certified by the town clerk as a true copy, and to be sealed with the seal of the Corporation, shall be prima facie evidence of such bye-laws and regulations for all purposes, and it shall not be necessary to produce the original bye-laws or regulations, or to prove the making or allowance thereof, or any signature or seal affixed to the copy.

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46. The Corporation may manufacture or purchase, and if requested by any person supplied or about to be supplied by them with water, furnish to him at his costs and charges, and from time to time repair or alter, any such pipes, valves, meters, cocks, cisterns, and other apparatus as are required or permitted by their regulations, and may provide all materials, and do all work necessary or proper in that behalf.

Power to Corporation to supply fittings, &c.

47. Where the owners of houses or buildings, the annual rack rent or value of which shall not exceed ten pounds, are by this Act made liable for the water rents in respect of the supply of water to the occupiers thereof, the Corporation may grant to such owners a deduction or abatement not exceeding ten per centum upon the gross amount of such water rents on payment thereof in advance, according to the provisions of this Act; and the Corporation may, if they think fit, require the owners of such houses and buildings in this section defined to pay the water rents for the supply of water in respect thereof, whether such houses and buildings shall be occupied or unoccupied; but in such case the Corporation shall grant to such owners the deduction or abatement herein-before mentioned. For the purposes of this section the person for the time being receiving the rack rent of any houses on his own account, or as agent, receiver, or trustee for any person interested, or who would receive the same if the houses were let at a rack rent, shall be deemed the owner of the houses.

Abatement to owners paying water rents for occupiers.

48. Water rents shall be paid in advance by equal payments at such periods (not exceeding six months) as the Corporation may from time to time determine, and the proportion of the water rents payable to the Corporation from the time when the pipe by which the water is supplied is made to communicate with the pipes or mains of the Corporation, or from the time at which they contract with any person for the supply of water, until the next periodical day of payment, as determined by the Corporation, shall be paid in advance at the time of the communication of such pipe, or of the making of the contract, and the full water rents for each succeeding period of payment shall from time to time thence-

Water rents to be paid in advance.

A.D. 1880. forward become due and be paid in advance on those periodical days of payment as they occur.

Charges for supply of water for other than domestic purposes.

**49.** The Corporation may supply water within the limits of this Act for purposes other than domestic purposes, by meter or otherwise, and upon such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Corporation and the person requiring the supply, and the moneys payable for the supply shall be water rents, and recoverable accordingly; and the Corporation shall not be bound to supply water otherwise than by measure to any building used as a dwelling house whereof any part is used for any trade or manufacturing purpose for which water is required: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would prejudice the sufficiency of the supply of water for domestic purposes.

Power to supply water in bulk.

**50.** Subject to the provisions of this Act, it shall be lawful for the Corporation from time to time to enter into contracts with the owner of any tenement or hereditament in the neighbourhood of any of their water mains, pipes, or works, although not within the limits of this Act, or with any corporation, local board, or other local authority within the meaning assigned to that term by the Public Health Act, 1875, or with any company or person whose district or property may be within or without such limits, or intersected by or near to any such water main, pipe, or work, for supplying such owner, corporation, local board or local authority, company, or person with water, in bulk or otherwise, upon such terms and conditions and for such periods as may be agreed upon between the Corporation and such other parties respectively: Provided always, that the Corporation shall not supply water under any such contracts if and so long as their doing so would prevent them from giving throughout the limits of this Act a sufficient supply of water for domestic purposes.

Corporation when so required to sell pipes, &c. outside the borough.

**51.** At any time after the passing of this Act the Corporation shall, when so required by any other sanitary authority, sell to such other sanitary authority all pipes, fittings, and other apparatus for or connected with the distribution of water belonging to the Corporation, and which shall at such time be laid or lie in the district of such sanitary authority, excepting all such pipes, mains, and other works required and used, or that may be required and used, for supplying and conveying water into and for the borough, at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and such

sanitary authority, or, failing such agreement, as may be determined by an arbitrator to be appointed for such purpose by the local government board, on the application of either party; and after such sale the powers of the Corporation to supply water within the district of such sanitary authority shall cease.

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52. When and so soon as the Lindle Hill Reservoir is constructed, and the Corporation shall have commenced to supply water therefrom, the Corporation shall from the Lindle Hill Reservoir give a constant supply of water in bulk to the West Riding Pauper Lunatic Asylum, at such pressure, and by such means, and upon such terms and conditions as shall have been agreed on between the Corporation and the committee of visitors of the said Asylum or their authorised officer; and the provisions contained in this section and in any such agreement shall be substituted for those contained in section 17 of the Act of 1877, and the agreement therein referred to and the works intended to be constructed for the supply of water to the asylum in connexion with the Chevet Reservoir shall not be constructed, but the Corporation shall make all such works in connexion with the Lindle Hill Reservoir as may be found necessary to insure the supply as provided in such substituted agreement.

As to supply of water to West Riding Pauper Lunatic Asylum.

53. The Corporation may out of the water revenue from time to time set apart such sums as they think fit for the purpose of forming a reserve or depreciation fund, and may from time to time invest such fund and the income arising therefrom in such securities as they think fit, being securities in which trustees are for the time being authorised by law to invest money, and may from time to time apply any portion of such fund, or the income arising therefrom, in necessary renewals or repairs of their waterworks for the time being, or in meeting any extraordinary claims or demands which may at any time arise against them in relation to their water undertaking: Provided always that the reserve or depreciation fund shall at no time exceed in amount the sum of fifteen thousand pounds, but when reduced below that amount it may afterwards be raised again to that amount, and so from time to time.

Reserve fund.

54. The Corporation shall keep separate accounts of receipts and expenditure on capital and revenue account for and in relation to the waterworks and supply of water. Such accounts shall show all moneys from time to time expended thereon or received in respect thereof respectively.

Separate accounts for water works.

55. For the purpose of making good any deficiency in the water revenue to pay the interest upon moneys borrowed under the powers of this Act and defraying the expenses of carrying the Water Acts

Deficiency in water revenue may be raised out

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of general district rate.

and this Act into execution, and for other the purposes of those Acts or any of them, and of maintaining and carrying on the water undertaking, the Corporation may from time to time, when and as often as occasion shall require, include the amount of any such deficiency within and raise and levy the same as part of any general district rate which the Corporation may from time to time make and levy within the borough.

Certain regulations as to borrowing not to apply. 38 & 39 Vict. c. 55.

**56.** The powers of borrowing money by this Act given shall not be restricted by any of the provisions contained in sections 233 and 234 of the Public Health Act, 1875; and in calculating the amount which the Corporation may borrow under the Public Health Act, 1875, any sums which they may borrow under this Act shall not be reckoned.

Power to borrow.

**57.** The Corporation may from time borrow at interest such moneys as they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate the sum of three hundred thousand pounds.

Power to mortgage, &c.

**58.** For securing the repayment of moneys borrowed under the authority of this Act, the Corporation may mortgage the water revenues and the district fund and general district rate, or either of them, and the provisions contained in sections 236 to 239, both inclusive, of the Public Health Act, 1875, with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under the powers of this Act, except where any such provisions are hereinafter expressly altered or varied; and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation:

(1.) The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon, in such form as the Corporation think fit, so as every coupon do refer to the mortgage to which it relates and do specify the amount and time of payment of one half-year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Corporation shall from time to time direct; and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the

amount for which it was issued; but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

- (2.) All moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of this Act may be borrowed and re-borrowed for any term not exceeding eighty years from the date of the first borrowing of the same (except such moneys as have been repaid by instalments, or by means of a sinking fund as herein-after provided, or out of the proceeds of the sale of surplus lands), and subject, as aforesaid, shall be repaid by yearly or half-yearly instalments or by means of a sinking fund.
- (3.) Any moneys which the Corporation borrow, repayable by instalments shall be repaid either by equal instalments of principal or of principal and interest, as may be agreed between the Corporation and the mortgagee.
- (4.) The Corporation, in case they elect to make any borrowed moneys repayable by a sinking fund, shall at the expiration of ten years from the passing of this Act, and thenceforth annually on the same day, set apart as a sinking fund for the payment of such moneys out of the rate or fund, or the rates or funds, or revenue upon the security of which such moneys have been borrowed, such a sum as will be sufficient to pay within a period not exceeding seventy years from the commencement of the sinking fund, such proportion of the principal moneys so borrowed as shall not be repayable by yearly or half-yearly instalments to be accumulated in the way of compound interest by investing in any securities in which trustees are for the time being authorised to invest or in nominal debentures issued under the Local Loans Act by any local authority other than the Corporation, and the Corporation shall from time to time apply the said sinking fund in repayment of such portion of those respective principal moneys until thereby or otherwise the whole of such portions have been fully paid off: Provided always that after any moneys received in respect of the sale of surplus lands have been applied in reduction of debt or paid into the sinking fund, the Local Government Board shall determine the extent to which the subsequent payments into the sinking fund are to be reduced, and so from time to time.

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- (5.) The Corporation may at any time apply the whole or any part of any sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged or redeemed, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.
- (6.) The Corporation shall not pay off any mortgages granted under the provisions of this Act unless all the coupons issued with such mortgages, whether then due or thereafter to become payable, shall have been satisfied, delivered up, and cancelled.
- (7.) The town clerk shall within twenty-one days after the first day of January of each year, during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made and the amount paid off by instalments, and the purposes to which any portion of the sinking fund or the interest thereof has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return, he 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 for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund, or of the sums accumulated by way of interest to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be paid, set apart, and invested or applied as part of the sinking fund, and that 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. A.D. 1880.

- (8.) With respect to a receiver the following provisions shall have effect, namely, the mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal or principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.
- (9.) The Corporation may from time to time re-borrow any amount borrowed by them under this Act, and paid off otherwise than by an instalment, or by means of a sinking fund under this Act, or by the sale of surplus lands, provided that all sums so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in respect of which such re-borrowing has been made, and that the moneys originally borrowed and any sums from time to time re-borrowed as aforesaid shall for purposes of repayment thereof be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys, and with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not be affected by reason of such re-borrowing.
- (10.) A person lending money to the Corporation secured by mortgage shall not be bound to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application or misapplication of the money lent, or of any part thereof.

**59.** The Corporation if they think fit, in lieu of borrowing on the security of mortgages, as herein-before provided, may borrow the moneys, which they are by this Act authorised to raise or any part thereof under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another, and may from time to time within the period prescribed for the repayment of such moneys re-borrow such sums as they may require by the

Power to borrow under local Act.

38 & 39 Vict. c. 83.

A.D. 1880. issue of fresh debentures or debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875.

Any moneys borrowed or re-borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon, and shall be paid out of the water revenue and district fund or general district rate as the Corporation may think fit, and the water revenue and such other rate or fund or rates or funds shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

Every such loan and all sums so re-borrowed shall be repaid within the period by this Act prescribed for the operation of the sinking fund herein-before mentioned, and the moneys originally borrowed, and any sums from time to time re-borrowed, shall for the purposes of sections 14 and 15 of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund (herein-after mentioned), and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not in any way be affected by reason of such re-borrowing, and the discharge of every loan (including any sums re-borrowed) or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit. And if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys.

If the Corporation elect to secure the discharge of any moneys borrowed by them under the powers of this Act by the appropriation of an annual sum, as provided by section 14 of The Local Loans Act, 1875, the following provisions shall have effect; (that is to say,)

(1.) The amount of the annual sum shall be an annuity which (calculated at the rate of interest payable by the Corporation on the money borrowed) will repay the money borrowed and the interest thereon within the prescribed period.

(2.) If in any year any part of such annual sum remains at any time unapplied in payment of principal and interest, the amount to be appropriated by the Corporation in the ensuing year shall be the annuity, together with a sum equal to the interest on such part for the time during which such part has remained unapplied, at the rate of interest at which the annuity is calculated.



(3.) Whenever any moneys, in respect of which the annual sum is appropriated, are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys so paid off, the annual sum shall be reduced, or, as the case may be, increased, by the subtraction therefrom or the addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and re-borrowing.

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60. The town clerk shall, within twenty-one days after the expiration of each year, during which any sum is required to be appropriated to the discharge of the moneys borrowed under section 91 of the Local Loans Act, or to be set aside for a sinking fund in respect of such moneys, 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 appropriated and applied to the discharge of such moneys, and the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the amount appropriated, or of the sinking fund, or investment, or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year.

Annual return to be made to Local Government Board.

If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to appropriate the amount required to be appropriated or to set apart the sum required for the sinking fund, or have applied any portion of the money so appropriated or set apart, or of the sums accumulated by way of interest to any purposes other than those authorised, they may, by order, direct that a sum not exceeding double the amount in respect of which default has been made shall be appropriated to the discharge of the moneys borrowed, or, as the case may be, set apart and invested or applied as part of the sinking fund, and any 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.

61. Subject to the provisions of the Act of 1877 the water revenues shall be applicable as follows, that is to say :

Application of water revenues.

(1.) In maintaining and carrying on the water undertaking.

(2.) In paying the interest on all moneys raised on mortgages

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or other securities granted under the provisions of this Act.

(3.) In providing the instalments and the appropriations for the sinking fund required by this Act.

(4.) In providing the reserve or depreciation fund, by this Act authorised and subject thereto, any balance which may remain shall be carried to the district fund.

Application of money borrowed.

62. All moneys borrowed under this Act shall be appropriated to purposes for which they are authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment. All moneys received by the Corporation under this Act either as purchase moneys of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied towards the reduction of the debt owing by the Corporation on account of the water undertaking, or towards the increase of the sinking fund.

Saving of existing charges.

63. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, the borough fund, and borough rates, the district fund account, and general district rates, or any of them, by way of annuity, mortgage, or otherwise subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge and all the like rights and remedies in respect of the property subject to the charge as if this Act had not been passed, and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any annuity, certificate, mortgage, debenture, or debenture stock, granted under this Act.

Contracts for supply of water not to disqualify members of Corporation.

64. No person shall be disqualified from being, continuing, or acting as a member, officer, or servant of the Corporation by reason of his being concerned in any contract under the Water Acts or this Act with the Corporation relating to the lease, sale, purchase, user, or temporary occupation of lands, or to a loan of money, or to a supply of water or other matters, articles, or things, but no such person shall vote in any matter affecting the contract in which he is interested.

Summonses, &c. may be in print, &c.

65. Any summons, demand, or notice, or other such document under this Act, may be in writing or print, or partly in writing and partly in print, and if the same requires authentication by the

Corporation or by the Council the signature thereto of the town clerk shall be a sufficient authentication. A.D. 1880.

**66.** A person shall not be incapable of acting as a justice of the peace in the execution in any respect of this Act, or of the Water Acts, by reason of his being a member of the Council, or of his being interested in any contract under this Act or the Water Acts for a supply of water, or being liable thereunder to the payment of any rent rate or other money. Justices not to be disqualified.

**67.** If any person against whom the Corporation have any claim or demand under this Act or the Water Acts for water rents or otherwise becomes bankrupt or makes any composition or arrangement with his creditors, or if the affairs of any such person are wound up in liquidation, the town clerk in all proceedings relating to the estate and affairs of such person may represent the Corporation and act on their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation. Proof of debt in bankruptcy, &c.

**68.** All powers, rights, and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be and shall be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not passed. Powers of Act cumulative.

**69.** The provisions of the Public Health Acts with respect to notices and the service of the same shall, except where otherwise expressly provided, apply to notices under this Act, and to the service of the same. Notices.

**70.** Nothing contained in this Act shall extend or operate to authorise the Company to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights, or any other rights of whatsoever description belonging to Her Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy, first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors in right of her said Duchy. Saving rights of Duchy of Lancaster.

**71.** The costs, charges, and expenses preliminary to, and of and incidental to, the preparing of and applying for and obtaining Expenses of Act.

[Ch. lvii.]

*Wakefield Corporation Water-* [43 & 44 VICT.]  
*works Act, 1880.*

A.D. 1880. and passing of this Act, including the costs, charges, and expenses connected with the obtaining of the resolution of owners and ratepayers, or otherwise in relation thereto, shall be paid by the Corporation out of the moneys borrowed under the authority of this Act, or subject to the provisions of the Act 35 and 36 Vict., c. 91, out of the district fund and general district rate, and shall be debited to the waterworks account.

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