



CHAPTER xcix.

An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Huddersfield to construct Tramways, New Streets, Roads, and Street and Road Improvements, and other Works; and to make further provision for the good government of the borough; and for other purposes.

[2nd August 1880.]

WHEREAS the borough of Huddersfield in the West Riding of the county of York is a municipal borough subject to the Acts relating to municipal corporations, and the mayor, aldermen, and burgesses of the said borough are the urban sanitary authority for the district thereof:

And whereas the following Acts are in force within the borough; (that is to say,)

The Huddersfield Burial Ground Act, 1852;

15 & 16 Vict. c. 41.

The Huddersfield Burial Ground Amendment Act, 1855;

18 & 19 Vict. c. 89.

The Huddersfield Gas Act, 1861;

24 & 25 Vict.
c. lvi.

The Huddersfield Water Act, 1869;

32 & 33 Vict. c. cx.

The Huddersfield Waterworks Act, 1871;

34 & 35 Vict.
c. xxiii.

The Huddersfield Improvement Act, 1871; and

34 & 35 Vict.
c. cli.

The Huddersfield Waterworks and Improvement Act, 1876;

39 & 40 Vict. c. c.

which Acts are in this Act collectively referred to as "the former Acts," and each of them separately as an Act of the year in which it was passed, the two Acts of 1871 being respectively distinguished as "the Water Act of 1871" and "the Improvement Act of 1871":

And whereas the Corporation are the owners of the gas and water undertakings of the borough, and supply gas and water therein and to places adjacent thereto:

And whereas the Corporation are the owners of the markets and fairs authorised to be held in and for the said borough, and have under statutory powers provided slaughter-houses for the use thereof:

And whereas Henry Frederick Beaumont has offered to the Corporation certain lands at and adjoining to Dungeon Wood, situate [Local.-99.]

A.D. 1880. — partly in the township of Lockwood within the said borough, and partly in the township of South Crosland adjacent to the said borough, to be laid out as a public park or recreation ground, and it is expedient that the Corporation be authorised to accept the same for that purpose, and to make new approaches and improve the existing approaches thereto :

38 & 39 Vict.
c. 55. And whereas the said township of South Crosland is the district of an urban sanitary authority constituted under the Public Health Act, 1875 :

And whereas it is expedient that a portion of the township of South Crosland should be severed therefrom and from the jurisdiction of the said South Crosland Urban Sanitary Authority, and be added to the said township of Lockwood, and that the borough should be thereby extended :

And whereas it is expedient that the Corporation be authorised to lay down, construct, and maintain within the said borough as extended the tramways in this Act described :

And whereas it is expedient that the Corporation be authorised to make the new streets, roads, and street and road improvements herein-after described :

And whereas the road called "Engine Bridge Road" in the said borough is carried over the River Colne by a bridge called "Engine Bridge" (otherwise "Folly Hall Bridge"), which bridge and the approaches thereto belong to the justices of the said West Riding :

And whereas by section ninety-one of the Improvement Act of 1871 the Corporation were empowered, with the approval of the surveyor of bridges of the West Riding to widen the said bridge :

And whereas the said bridge has been widened in accordance with plans submitted to and approved by the said surveyor, and it has been agreed between the Corporation and the justices (subject to the sanction of Parliament) that on the completion of the said work and the transfer to the Corporation of the future maintenance of the said bridge and approaches, the said justices should pay to the Corporation the sum of two thousand pounds, and that the West Riding should thenceforward be exonerated from all further liability with respect to the said bridge and approaches :

And whereas it is expedient that this agreement be carried into effect, and that the said bridge and approaches be transferred to and vested in the Corporation as part of the public highways of the borough :

And whereas it is expedient that the Corporation be enabled to provide additional accommodation for persons of the labouring class :

And whereas it is expedient that the limits within which the Corporation may supply water be extended, and that the provisions relating to such supply be in some particulars amended, and that further powers be granted to the Corporation with respect to houses in the borough having a polluted or inadequate supply of water : A.D. 1880.

And whereas it is expedient that the Corporation be authorised to provide a dead meat market, and that their powers in relation to markets, fairs, and slaughter-houses be in some particulars amended and extended :

And whereas great inconvenience and difficulty has arisen by reason of the divided rights and jurisdiction in the said borough, with respect to the inspection and adjustment of weights, measures, and scales, and it is expedient that the Corporation be authorised to acquire such rights and jurisdiction as are not now vested in them in relation to those matters so that they may be constituted the sole authority therefor in the extended borough :

And whereas the Corporation have power under the Improvement Act of 1871 to construct sewage works, and it is expedient that they be authorised to acquire lands for that purpose :

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of certain infectious and contagious diseases should be amended and extended :

And whereas it is expedient that the Corporation should be authorised to manufacture or provide and to supply light within the borough for the purposes in this Act mentioned by means of electricity, and that all incidental and supplementary powers for this purpose, and other purposes connected therewith (including the supply of heat and of motive power), should be conferred upon the Corporation :

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation, and that further and better provision be made for the management and regulation of the borough, and that certain of the former Acts be in divers particulars altered and amended, and the powers thereof extended :

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 for and the execution of the following works by this Act authorised, and the construction and completion of works by the former Acts of the Corporation authorised, and such estimates are as follows :

For tramway purposes, one hundred thousand pounds :

For waterworks purposes, one hundred and fifty thousand pounds :

[Ch. xcix.] *Huddersfield Improvement Act*, 1880. [43 & 44 VICT.]

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For purposes of new streets and roads, and street and road improvements, twenty thousand pounds :

For gasworks and other lighting purposes, fifty thousand pounds :

For markets and fairs and slaughter-house purposes, thirty thousand pounds :

For purposes of labouring-class dwellings and sewage, thirty thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875 :

10 & 11 Vict.
c. 34.

And whereas section one hundred and forty-two (application to be made to Parliament if additional powers necessary) of the Towns Improvement Clauses Act, 1847, is in force within the borough, and the Corporation have made the application for this Act by special order in the manner by that Act defined :

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

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Huddersfield Improvement Act, 1880.

Incorporation of general Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict. c. 18.
33 & 34 Vict. c. 78.
10 & 11 Vict.
c. 17.

2. The following Acts and parts of Acts ; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

Section three (interpretation of terms), section nineteen (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870 ;

The Waterworks Clauses Act, 1847 (except the provisions thereof with respect to the amount of profits to be received by the undertakers when the waterworks are carried on for their benefit) ;

The Waterworks Clauses Act, 1863 ;

26 & 27 Vict.
c. 93.

[43 & 44 VICT.] *Huddersfield Improvement Act*, 1880. [Ch. xcix.]

The Markets and Fairs Clauses Act, 1847; and
Section one hundred and thirty-eight (saving from effects of
repeal) of the Act of 1876,
as far as they are applicable for the purposes of and not varied by
or inconsistent with this Act, are hereby incorporated with and
form part of this Act.

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10 & 11 Vict.
c. 14.

3. In this Act—

Interpreta-
tion of terms.

Terms to which meanings are assigned by enactments incorporated
or to be construed with this Act, or which have therein special
meanings, have in this Act, and for the purposes of this Act, the
same respective meanings, unless there be something in the subject
or context repugnant to such construction :

“The borough” means the borough of Huddersfield as extended
by this Act :

“Daily penalty” means a penalty to accrue for each day any
offence shall continue after conviction therefor :

“Court of summary jurisdiction” means any justice or justices
of the peace, stipendiary, or other magistrate or officer by
whatever name called, to whom jurisdiction is given by, or who
is or are authorised to act under the Summary Jurisdiction
Acts or any of such Acts :

“Summary Jurisdiction Acts” means the Summary Jurisdiction 11 & 12 Vict.
Act, 1848, and the Summary Jurisdiction Act, 1879, and any c. 43.
Act amending either of those Acts : 42 & 43 Vict.
c. 49.

“Infectious disease” means and includes small-pox, cholera,
typhus, typhoid, scarlet, relapsing, and puerperal fevers,
scarlatina, erysipelas, and diphtheria, and any other disease for
the time being declared by the Corporation to be infectious or
contagious under the provisions of this Act in that behalf :

“The water provisions” means the Act of 1869 as amended and
extended by the Water Act of 1871, and both those Acts as
amended and extended by the provisions relating to water of
the Act of 1876 :

“The improvement provisions” means the Improvement Act of
1871 as amended and extended by the provisions (other than
those relating to water) of the Act of 1876 :

“Fittings” means and includes meters, apparatus, and appliances
provided or supplied to any person by the Corporation for or
in relation to a supply by them to him of gas or electricity for
light, heat, or motive power.

4. With respect to the construction of the former Acts and this
Act, the following provisions shall have effect ; (that is to say,) Construction
of Acts.

(1.) “The water provisions” as amended and extended by this
Act, and the provisions of this Act relating to water, shall

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be construed and have effect together as one Act, and may be cited as the Huddersfield Water Acts, and are herein-after referred to as "the Water Acts:"

- (2.) "The improvement provisions" as amended and extended by this Act, and the provisions of this Act not relating exclusively to water, shall be construed and have effect together as one Act, and may be cited as the Huddersfield Improvement Acts, 1871 to 1880, and are herein-after referred to as "the Improvement Acts."

Saving
rights of
lords of
manors of
Huddersfield
and Almond-
bury.

5. Subject to the express provisions of this Act, nothing in this Act contained shall extend to or be deemed, construed, or taken as in anywise extending to extinguish, prejudice, diminish, affect, or disturb, or as authorising anything to be done or omitted to be done so as to extinguish, prejudice, diminish, affect, or disturb any right, privilege, franchise, incorporeal hereditament, or profit belonging to the lord or lords of the manors of Huddersfield and Almondbury respectively for the time being, or belonging to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates from time to time subject to the subsisting uses of the will of Sir John Ramsden, Baronet, deceased, or of any settlement or re-settlement thereof, or of any Act of Parliament relating to the same, or reserved or conferred by the Act of Parliament passed in the seventh and eighth years of the reign of King George the Fourth, intituled "An Act for supplying
" with water the town and neighbourhood of Huddersfield in the
" West Riding of the county of York," or by the Act of Parliament passed in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act to alter, enlarge, and amend an Act for
" supplying with water the town and neighbourhood of Hudders-
" field in the West Riding of the county of York," or by the Huddersfield Improvement Act, 1848, or any of them, but such rights, privileges, incorporeal hereditaments, and profits respectively, subject as aforesaid, shall remain, continue, and be used, exercised, enjoyed, and taken in the same manner in all respects as if this Act had not been passed.

7 & 8 G. 4.
c. lxxxiv.

8 & 9 Vict.
c. lxx.

11 & 12 Vict.
c. cxi.

PART II.—EXTENSION.

Portion of
South Cros-
land severed
therefrom
and added to
Lockwood.

6. Subject to the provisions of this Act, so much of the township of South Crosland as is included between the said township of Lockwood and a line commencing on the north side of Woodside Road at its junction with Butternab Lane, and thence extending along the western and south-western side of Butternab Lane for the whole length thereof as authorised by this Act to be widened and

diverted, thence crossing Butternab Lane in an easterly direction to the east side of the proposed new road No. 5 authorised by this Act, thence along the eastern side of such last-mentioned new road to its northern terminus, and thence in a south-easterly direction to the nearest angle of the existing boundary line of the borough near Dog Hall, is hereby for all purposes severed from that township and from the jurisdiction of the South Crosland Urban Sanitary Authority, and added to and incorporated with the said township of Lockwood and for all purposes of the Municipal Corporations Acts as if it had formed part of the said township at the date of the incorporation of the borough, and shall for all purposes form part of that township and of the Lockwood district and ward of the borough; and the residue of the said township of South Crosland shall continue to have all the rights, privileges, duties, and liabilities of a township of itself, and be subject to the same jurisdictions as if the portion so severed therefrom had never formed a part thereof or of the district of the said urban sanitary authority.

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7. All current rates and arrears of rates leviable within the severed portion of the township of South Crosland may be levied and collected as if this Act had not been passed.

Rates in severed part of South Crosland.

8. This Act, except where otherwise expressed or implied, shall apply exclusively to the borough.

Limits of Act.

9. This Act shall be carried into execution by the Corporation acting by the Council and according and subject to the Municipal Corporations Acts, and such of the provisions of the former Acts as are now in force and as amended by this Act and the other Acts for the time being affecting the Corporation as a municipal body and sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the before-mentioned Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under those Acts respectively.

Act to be executed by Council.

PART III.—PARKS.

10. The Corporation may accept the gift of and hold all the estate and interest of Henry Frederick Beaumont in certain lands in the said townships of Lockwood and South Crosland at and adjoining to Dungeon Wood, and shall appropriate the same when

Corporation may accept gift of land for park.

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Power to close park on special occasions.

11. No public meeting shall be held in any park or place of public resort or recreation of the Corporation unless the Corporation by special resolution authorise the holding of such meeting, and the Corporation may on any special occasion, but not exceeding twelve days in any one year, close any such park or place against the public, and may on such occasions admit to any such park or place the members of any society or of any public or private institution, or persons being attendants at or supported by any public or private institution, or such other persons as the Corporation may think fit, and the admission of every individual to any such park or place on such occasions may be either with or without payment as directed by the Corporation.

PART IV.—TRAMWAYS.

Power to make tramways.

12. Subject to the provisions of this Act, the Corporation may make, form, lay down, use, and maintain wholly within the borough the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, sleepers, junctions, turntables, turnovers, crossings, passing-places, stables, carriage-houses, sheds, works, and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act will be wholly laid as single lines, except at the passing-places, where they will be double lines, and are those following; (that is to say,)

Tramway No. 1 (five miles five furlongs eight chains and twenty yards in length, whereof five miles five furlongs three chains and twenty yards are single, and two furlongs and four chains are double lines), commencing in the township of Almondbury

in Parkgate Berry Brow, about seven yards south-west of the south-west corner of Hollow Gate, and terminating in the said township of Huddersfield in Leeds Road North (Bradley):

Tramways 1A to 1J (both inclusive, being respectively short passing-places connected with and subsidiary to Tramway No. 1):

Tramway No. 2 (one mile three furlongs five chains and fifteen yards in length, whereof one mile two furlongs eight chains and four yards are single lines, and seven chains and eleven yards are double lines), commencing by a junction with Tramway No. 1 in Northgate, and terminating in Bradford Road North, near Ashbrow:

Tramways 2A, 2B, 2C (being respectively short passing-places connected with and subsidiary to Tramway No. 2):

Tramway No. 3 (seven furlongs three chains and seven yards in length, whereof seven furlongs one chain and eighteen yards are single line, and one chain and eleven yards are double line), commencing in Woodfield Road, and terminating by a junction with Tramway No. 1, about nine yards south-east of the south-east corner of Swan Lane, Lockwood:

Tramway 3A (being a short passing-place connected with and subsidiary to Tramway No. 3):

Tramway No. 4 (one mile three furlongs one chain and thirteen yards in length, whereof one mile three furlongs and two yards are single line, and one chain and eleven yards are double line), commencing in the township of Lockwood at a point about forty-four yards north-eastward of the boundary of the borough in Marsden Road near Milnsbridge, and terminating in the township of Huddersfield by a junction with Tramway No. 1 in Buxton Road:

Tramway No. 4A (being a short passing-place connected with and subsidiary to Tramway No. 4):

Tramway No. 5 (two furlongs seven chains and one yard in length, being wholly single line), commencing at or near Four Lane Ends, and terminating by a junction with Tramway No. 4 in Marsden Road:

Tramway No. 6 (six furlongs two chains and fourteen yards in length, whereof six furlongs one chain and three yards are single line, and one chain and eleven yards are double line), commencing in West Street, Paddock Head, and terminating by a junction with Tramway No. 3 in Manchester Road:

Tramway No. 6A (being a short passing-place connected with and subsidiary to Tramway No. 6):

Tramway No. 7 (two miles one furlong nine chains and nineteen yards in length, whereof two miles one furlong two chains

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and nineteen yards are single line, and seven furlongs are double line), commencing in the township of Lindley-cum-Quarmby in Lidget Street, Lindley, and terminating in the said township of Huddersfield by a junction with Tramway No. 1 in John William Street:

Tramways 7A, 7B, and 7C, (7A and 7B being respectively short passing-places, and 7C being a short junction connected with and subsidiary to Tramway No. 7):

Tramway No. 8 (two miles two chains and four yards in length, whereof one mile seven furlongs eight chains and seventeen yards are single line, and three chains and nine yards double line), commencing by a junction with Tramway No. 7 in Lidget Street, Lindley, and terminating in the township of Huddersfield by a junction with Tramway No. 7 in Westgate:

Tramways 8A and 8B (being respectively a short junction and a short passing-place connected with and subsidiary to Tramway 8):

Tramway No. 9 (two miles one furlong five chains and one yard in length, whereof two miles seven chains and twelve yards are single line, and seven chains and eleven yards double line), commencing in the said township of Huddersfield by a junction with Tramway No. 1 in Northumberland Street, and terminating in Wakefield Road:

Tramways 9A, 9B, and 9C (being respectively short passing-places connected with and subsidiary to Tramway No. 9):

Tramway No. 10 (one mile two furlongs two chains and nineteen yards in length, being wholly single line), commencing by a junction with Tramway No. 1 in Buxton Road, and terminating in Newsome Road:

Tramway No. 11 (one mile three furlongs two chains and twenty-one yards in length, being wholly single line), commencing by a junction with Tramway No. 9 in Storths (Moldgreen), and terminating in Northgate (Almondbury).

Period for
completion of
tramways.

13. If the following tramways and parts of tramways; (that is to say,)

Tramway No. 1, from a point opposite to Saint Emmanuel's Church, Salford, to the junction of Leeds Road and Bradley Mills Road;

Tramway No. 2, from its commencement to the site of the old toll-bar at Fartown;

Tramway No. 3, from Swan Lane, Lockwood, to Dungeon Cottages;

Tramway No. 4, from Buxton Road to Longroyd Bridge;

Tramway No. 6;

Tramway No. 7;

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Tramway No. 8, from its junction with Tramway No. 7 to the junction of Halifax Road and Brian Road, Edgerton;

Tramway No. 9, from its commencement to the junction of Wakefield Road and Birkhouse Lane, Mold Green;

And the passing-places on the line of such tramways and parts of tramways respectively,

be not completed within three years from the passing of this Act, and if the other tramways and parts of tramways by this Act authorised be not completed within seven years from the passing of this Act, then on the expiration of those periods respectively the powers by this Act granted to the Corporation for executing the same respectively, or otherwise in relation thereto respectively, shall cease to be exercised, except as to so much of the said tramways and parts of tramways respectively as are then completed.

14. Wherever any of the tramways or works by this Act authorised shall cross over any railway sidings, canal, towing-path, or works respectively of or belonging to the Lancashire and Yorkshire Railway Company (herein-after called "the Lancashire and Yorkshire Company"), or to the London and North-western Railway Company (herein-after called "the London and North-western Company"), solely, or to those two companies (herein-after called "the two companies") jointly, the following provisions shall, unless otherwise agreed between the said companies jointly or separately, and the Corporation, apply:

Protection of Lancashire and Yorkshire and London and North-western Railway Companies.

1. The tramways shall be laid down and constructed under the superintendence and to the reasonable satisfaction of the respective principal engineers of the Lancashire and Yorkshire Company and the London and North-western Company, or the two companies respectively affected, and in all cases at the expense of the Corporation, and by such means only as shall not interfere with the free, uninterrupted, and safe user of the railway or canal, or the working, conduct, or passage of the traffic thereon:

2. Wherever any of the tramways shall be constructed over any bridge (and also where such bridge is or may be authorised to be rebuilt or widened) across any such railway siding, canal, towing-path, or work the Corporation shall not in any way alter or interfere with the structure of such bridge or the approaches thereto, or with the walls, buttresses, retaining walls, or supports of such bridge, and they shall so construct and maintain such tramways as not to injuriously affect such bridge, walls, buttresses, retaining walls, or supports of such bridge, or the approaches thereto, and in

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the event of any injury being occasioned to such bridge, walls, buttresses, retaining walls, supports, or approaches, or any part or parts thereof respectively, by the construction of the said tramways in or over the same (whether such injury occur either during or after such construction, or in working or maintaining the said tramways), the said railway company or companies respectively affected may, at the expense of the Corporation, restore such bridge, walls, buttresses, retaining walls, supports, and approaches, or any part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Corporation shall recoup to and indemnify the said railway company or companies respectively affected against all costs and expenses which they respectively may reasonably pay or be put to in such restoration as aforesaid; and also in maintaining and repairing so much of the road over any such bridge or approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act, 1870, and the said railway company or companies respectively affected may recover from the Corporation all such costs and expenses as are in this subsection mentioned, together with the costs of recovering the same as if the same had been a simple contract debt :

3. The Corporation in relation to the execution of their tramway works shall be responsible for and make good to the said railway company or companies respectively affected all costs, losses, damages, and expenses from time to time occasioned to the said respective company or companies, or to any of their works and property, or to the traffic on the said railways or canal, or to any company or person using the same respectively or otherwise, by reason of the execution or failure of any of such works or incidental thereto, or by any act or omission of the Corporation, or any of the persons in their employment or their contractors or others, and the Corporation shall effectually indemnify and hold harmless the said railway company or companies respectively affected from all claims and demands upon or against them by reason of any such execution or failure, or of any such act or omission as aforesaid :
4. In case the principal engineer of the London and North-western Company, or of the two companies, as the case may be, and the surveyor shall at any time or times hereafter be of opinion that it is necessary that any one or more of the bridges over which any of the tramways may be carried across any of their railways, or the said canal,

whether as the same bridges now are or may be rebuilt or widened, and as to the Leeds Road Bridge at Deighton, and the West Street Paddock Bridge, in effecting the widenings or alterations thereof as already authorised, shall, by reason of the construction of, or the working and user of the tramways thereover, and whether by steam or other mechanical power, require to be strengthened or altered, and as to the bridges over the said canal and towing-path strengthened, altered, or rebuilt, for more safely bearing the additional weight which will thereby be imposed thereon, the London and North-western Company, or the two companies, as the case may be, at the reasonable expense in all things of, and to be recoverable from the Corporation as aforesaid, may strengthen, alter, or rebuild such bridge or bridges accordingly, and in case the tramways shall be laid along the said respective bridges at Deighton and West Street Paddock before such bridges or either of them shall be so widened, the Corporation shall pay to the London and North-western Company, to be recoverable as aforesaid, any additional expense which shall be reasonably incurred by that company in effecting such respective widenings owing to the said tramways having been so laid, and if it shall be necessary for effecting such strengthening, alteration, or rebuilding, that the working and use of the tramways over any such respective bridges shall be wholly or in part stopped or delayed, and the London and North-western Company, or the two companies, as the case may require, shall give to the Corporation five clear days notice in writing requiring such stoppage or delay, the working and user of the said respective tramways shall be stopped or delayed accordingly, but only for so long as shall be absolutely necessary, and that company or the two companies shall not be liable for any compensation, claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay :

5. With respect to laying down, maintaining, and executing any mains, pipes, tubes, wires, or other works across or in any way affecting any railway of the London and North-western Company, or of the two companies, or of the London and North-western Company's Huddersfield Canal, or the towing-path, bridges, or other works belonging thereto respectively for supplying water, as also in exercise of the powers of this Act for the production and supply of light, heat, or motive power by electricity, section twenty-one of the Huddersfield Waterworks and Improvement Act, 1876, shall apply

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thereto respectively as fully as if that section were expressly enacted in this Act with reference to any such mains, pipes, tubes, wires, or works affecting any such railway, canal, towing-path, bridges, or the other works of any such railway or canal :

6. The bridge and other works for carrying the New Road, No. 14, over the Huddersfield Canal of the London and North-western Company and its towing-path shall be constructed and executed, and thereafter maintained in all things, at the cost of the Corporation, and only according to plans, sections, and specifications as shall be previously reasonably approved in writing by the principal engineer of that company, and under his superintendence, and so that the conduct or passage of traffic on the canal shall not be unnecessarily impeded ; and in case any such impediment shall occur the Corporation shall make full compensation in respect thereof to that company, or the party or parties entitled thereto, to be recoverable as aforesaid, together with the costs of recovering the same :
7. The span of the bridge shall be of such width on the square as to leave at the point of crossing the full width of the waterway of the canal and of its towing-path undiminished, and it shall have a clear headway in every part of not less than ten feet above the top water level of the canal ; and in case the Corporation shall not at all times duly maintain the said bridge and other works for such crossing over the said canal and towing-path, that company may effect such maintenance, and recover as aforesaid from the Corporation the amount of their reasonable expenditure in that behalf, together with the costs of recovering the same :
8. If any difference shall arise under any of the foregoing provisions of this section between the Corporation on the one hand, and the Lancashire and Yorkshire Company, or the London and North-western Company, or the two companies, on the other hand, or their respective engineers, such difference shall, unless herein-before otherwise provided, be referred to and determined by an engineer to be mutually nominated by the said engineers, or, failing agreement, to be appointed by the president for the time being of the Institution of Civil Engineers, on the application of either of the parties in difference, 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.

15. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

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Inspection
by Board of
Trade.

16. The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board, by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power, shall be subject to the regulations set forth in the first schedule to this Act, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Carriages
may be
moved by
animal,
steam, or
mechanical
power.

17. Any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the said first schedule, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also to a daily penalty not exceeding five pounds: Provided always, that whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the company or person using steam or any mechanical power on the tramways under the authority of this Act has made default in complying with the provisions of this Act, or with any of the regulations set forth in that schedule, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct such company or person to cease to exercise the powers aforesaid, and thereupon such company or person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same, unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Penalty for
using steam
or mechani-
cal power
contrary to
Act or regu-
lations.

18. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to any of the tramways upon which

Byelaws.

[Ch. xcix.] *Huddersfield Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880. — steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; (that is to say,)

For regulating the use of the bell, whistle, or other warning apparatus fixed to the engine :

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places, and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to, exit from, and accommodation in the carriages used on the tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

19. The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act so far as it relates to tramways, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

20. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways under the authority of this Act; but the Corporation may, if they think fit, make byelaws under the provisions of the Tramways Act, 1870, for restricting the rate of speed to a lower rate than that so prescribed.

Orders, &c. to be signed by Board of Trade.

21. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the

same shall be deemed to have been duly made in accordance with the provisions of this Act. A.D. 1880.

22. The Corporation shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which any of the tramways shall for the time being consist, and the substructure upon which such rails rest, and if the Corporation at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a daily penalty not exceeding five pounds. In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with such provision, or with any of such requirements, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board; and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed. Penalty for not maintaining rails and road in good condition.

23. The Corporation may from time to time hereafter in any public street (not being the roadway of a bridge over a railway or the approach to any such bridge), and with the consent of the owners, lessees, and occupiers thereof (but not otherwise), in any private street, or lands make all such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables or carriage sheds or works of the Corporation or their lessees; provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to the Corporation, express his objection thereto. Additional crossings, &c. may be made where necessary.

24. Where by reason of the execution of any work in, or the alteration, widening, or diversion of any street or road along which any of the tramways are laid, it shall in the opinion of the Corporation be necessary or expedient so to do, the Corporation may from time to time alter, remove, or discontinue all or any part of such tramway, and make or lay down and maintain in the street Substituted tramways may be made where necessary.

A.D. 1880. — or road so altered, widened, or diverted (or temporarily in any adjacent street or road) a substituted tramway.

Application of road materials excavated.

25. Any paving, metalling, material, matters, or substances excavated by the Corporation in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation, and may be dealt with, removed, and disposed of by them in such manner as they may think fit.

Traffic upon tramways.

26. The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

Corporation may use tramways for sanitary purposes.

27. The Corporation may at such times and in such manner as they think fit, but subject to the byelaws for the time being in force with respect to the tramways, use the tramways for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Tolls for passengers.

28. The lessees of the Corporation may demand and take for every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the lessees may charge for any less distance than three miles any sum not exceeding three-pence.

Tolls for animals, goods, &c.

29. The lessees may demand and take for all animals, goods, minerals, and parcels conveyed upon the tramways any tolls not exceeding the rates per mile following :

For every horse, mule, or other beast of draught or burden, per mile not exceeding threepence :

For every ox, cow, bull, or head of cattle, per mile not exceeding threepence :

For every calf, pig, sheep, and small animal, per mile not exceeding twopence :

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton per mile not exceeding threepence :

For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton per mile not exceeding four-pence :

For all timber or wood, per ton per mile not exceeding three-
pence: A.D. 1880.

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile not exceeding fivepence:

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding sixpence:

For every carriage of whatever description, per mile not exceeding one shilling:

For any parcel not exceeding in weight seven pounds, three-pence:

For any parcel exceeding seven and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, any sum.

30. The lessees may demand and take the following tolls; (that is to say,) Regulations
as to tolls.

For animals and goods carried for any less distance than three miles, tolls and charges as for three miles:

For a fraction of a mile beyond an integral number of miles, tolls and charges on animals and goods as for a mile:

For a fraction of a ton, tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

For the carriage of any boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, any sum per ton not exceeding three shillings:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, exceeds eight tons, any sum.

And the following regulations shall have effect with respect to the fixing of tolls; (that is to say,)

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone,

A.D. 1880.

forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity :

Provided always, that articles sent in large aggregate quantities, although made up into separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

Periodical
revision of
tolls.

31. If at any time after three years from the opening for public traffic of the tramways, or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways, or any portion of the tramways, it is represented in writing to the Board of Trade by the Corporation, or by twenty inhabitant ratepayers of the borough, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on any portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing, altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section : Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Tolls to be
inclusive.

32. The foregoing tolls and charges shall include all charges which may be made for the use of the tramways, and of carriages and for motive power, and every other incidental expense.

Use of steam
or mechanical
power by
lessees.

33. The lessees under any lease made by the Corporation shall not use steam or any mechanical power on the tramways, or any part thereof, unless they are authorised to do so by special permission in such lease ; and the Corporation may, with the consent of the Board of Trade, and subject to the provisions of this Act, attach to such special permission such conditions and restrictions as they may think fit.

Passengers
luggage.

34. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof, but all such personal luggage shall be carried by hand and at the

risk in all respects of the passenger, and so as not to occupy any part of the seat, nor to be of a form or description to annoy or inconvenience any other passenger. A.D. 1880.

35. The Corporation may from time to time (but subject to the terms of any lease) by resolution declare the tramways, or any part thereof, to be open to be used by the public, and for such periods and during such hours as the Corporation think fit, and such user may be either concurrently with the lessees, or otherwise; and so soon as the Corporation shall have passed such resolution any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls are authorised to be taken by this Act any tolls not exceeding the tolls by this Act authorised to be taken for such purposes by any lessee of the tramways. As to user of tramways, &c. when left open to be used by the public.

36. If the tramways, or any part thereof, be left open to be used by the public the Corporation may demand and take from the company or person who shall run any carriage, waggon, or truck on the tramways, or any part thereof, the following tolls and charges in respect of such user; (namely,) Tolls if tramways left open to be used by the public.

For every passenger travelling in or upon any of the carriages of such company or person, any sum not exceeding one halfpenny nor less than one farthing per mile;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such company or person, any sum or sums not exceeding one half of the tolls or charges hereinbefore by this Act authorised in respect of such animals, goods, minerals, and parcels so conveyed;

and the Corporation may, if they think fit, so commute such tolls or charges as that the commuted sum may be as near as possible an equivalent of such tolls and charges.

37. The company or person so using the tramways or any part thereof left open to be used by the public and their officers and servants shall permit the person duly authorised by the Corporation to ride free of charge for the whole or any part of the journey in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers, animals, minerals, parcels, or goods shall be conveyed by such company or person upon the tramways or such part thereof. Persons using tramways to permit servants of Corporation to ride free of charge.

38. The provisions contained in the following sections of the Tramways Act, 1870; (namely,) Certain provisions of 33 & 34 Vict. c. 78. extended to

Section thirty-six (in default of payment of tolls, licensees carriages may be detained and sold);

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persons using
tramways
when left
open to be
used by the
public.

Section thirty-seven (licensees to give account of passengers carried by them);

Section thirty-eight (licensees not giving account of passengers carried liable to penalty);

Section thirty-nine (disputes as to amount of toll to be settled by justice); and

Section forty (owners of carriages liable for damage done by their servants);

shall, so far as the same are applicable in this behalf, extend and apply mutatis mutandis to the company or person so using the tramways or any part thereof left open to be used by the public, and in construing those sections for the purpose aforesaid—

The expression “the licensee” or “licensees” shall mean the company or person so using the tramways or any part thereof;

The expression “passengers” shall include animals, goods, minerals, and parcels;

The expression “number of passengers” shall include the number or quantity (as the case may require) of the goods, minerals, or parcels conveyed; and

The expression “carriage” shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels shall be conveyed.

Lessees not
to be bound
to carry
goods, &c.
unless as
provided
herein.

39. The lessees or any company or person using the tramways shall not, except as by this Act otherwise provided, be bound to carry, unless they think fit, any animals, goods, minerals, or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provisions as
to carriage of
goods, &c.

40. Animals, goods, minerals, and parcels shall be carried in separate carriages or separate parts of carriages set apart for that purpose, provided that this shall not apply to the carriage of passengers luggage.

Payment of
tolls.

41. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations as the company or person authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

Provisions as
to arbitration.

42. Where under the provisions of the Tramways Act, 1870, in this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

17 & 18 Vict.
c. 125.

43. Notwithstanding anything in this Act contained, the Corporation, and any corporation, company, or person using the tramways, shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, or to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power by any such general Act as aforesaid.

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Provision as to general Acts.

PART V.—STREET WORKS.

44. Subject to the provisions of this Act, and to the powers of deviation hereby given, the Corporation may, if they think fit, in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the new streets, street improvements, and works, and do the things following wholly within the borough; (that is to say,)

Power to make new streets and improvements.

(No. 1.) A new street or road, commencing in the said township of Lockwood by a junction with Hanson Lane, and terminating by a junction with Butternab Lane :

(No. 2.) A new street or road, being a continuation southwards of Moor End Road, commencing by a junction with Woodside Road, and terminating by a junction with the intended new road No. 1 :

(No. 3.) A new street or road, being a continuation southwards of Dryclough Lane, commencing by a junction with Woodside Road, and terminating by a junction with the intended new road No. 1 :

(No. 4.) The improving of Butternab Lane by—

(A.) The widening thereof on the west side from its junction with Woodside Road to its junction with the west end of the intended new road No. 1 :

(B.) The diversion thereof from the last-mentioned junction to a point about eighty-eight yards measured southward along the said lane :

(C.) The widening thereof from the last-mentioned point to a point about eight yards westward of the north-west corner

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of the barn at Butternab, in the joint occupation of John Carr France and Rebecca Brook :

(No. 5.) A new street or road, commencing by a junction with Butternab Lane at the last-mentioned point, and terminating at a point about fifty-five yards south of the northern end of the Butternab Tunnel on the Meltham Branch Railway of the Lancashire and Yorkshire Railway Company :

(No. 6.) A new footpath, commencing at the northern end of the railway bridge at Dungeon under the said Meltham Branch Railway, and terminating by a junction with the intended new road No. 1 :

(No. 7.) The widening and improving on both sides thereof of Woodhead Road (Salford) :

(No. 8.) The widening and improving of Somerset Road on the south-west side thereof :

(No. 9.) The widening and improving of New Hey Road (Marsh) on the south side thereof :

(No. 10.) The improving of the junction of Halifax Old Road, Fartown, with Hillhouse Road, by the removal of the dwelling-houses and outbuildings at such junction, belonging or reputed to belong to John Smith Armitage, and the appropriation of the site thereof for such improvement :

(No. 11.) The widening and improving of Wood Street on the west side thereof :

(No. 12.) The widening and improving of Market Street and East Street (Paddock), commencing on the north side of Market Street at a point about twenty yards south-east of the south-east corner of School Lane, and terminating on the north side of East Street at a point about eighty-six yards eastward of that corner, and commencing on the south side of East Street at a point about fifteen yards north-east of the north-east corner of Shireshill, and terminating at a point about twelve yards westward of the north-west corner of Colne Street :

(No. 13.) The widening and improving of the north side of Manchester Road and Longroyd Lane :

(No. 14.) A new road, commencing on the south-east side of Leeds Road North, and terminating at a point on the south-east side of the towing-path of the Huddersfield Canal about ten yards north-eastward of the viaduct of the Kirkburton branch of the London and North-western Railway where it crosses that towing-path, provided that the Corporation shall not acquire for any of the purposes of the

new road any estate or interest in the land and property of the London and North-western Company, or of that company and the Lancashire and Yorkshire Railway Company, other than an easement or easements. The amount to be paid for the acquisition of such easement or easements shall in case of difference be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, and any Act amending that Act with respect to the purchase of lands otherwise than by agreement:

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(No. 15). A new road to be used as a communication road for waterworks purposes, and also as a public footpath, to commence at the north-east end of the embankment of the existing Wessenden Reservoir, and terminating at or near the north-eastern end of the embankment of the Wessenden Head Reservoir:

All necessary approaches, retaining walls, piers, abutments, embankments, arches, goits, culverts, conveniences, and works in connexion with the foregoing new streets, roads, street improvements, and works, or any of them:

And the Corporation may, in connexion with the foregoing street works and improvements, and upon the completion and opening for public use of the substituted roads and footways, stop up the following roads and footways; (that is to say,)

- (1.) So much of the existing road called Butternab Lane in the said township of South Crosland as is situate to the south-west of the diverted line of that road:
- (2.) The public bridleway and footpath in the said township of Lockwood, from Woodside Road through Dungeon Wood to the south side of the said Meltham Branch Railway:
- (3.) The public footpath in the said township of Lockwood from Starling End through Dungeon Wood to the north side of the bridge under the said Meltham Branch Railway at Dungeon:
- (4.) The public footpath commencing at the north-east end of the embankment of the existing Wessenden Reservoir and terminating in the road called the Meltham and Wessenden Head Road, and thereupon all rights of way over such roads and ways shall be extinguished, and the site and soil thereof shall vest in the Corporation if and so far as they are the owners of the adjoining lands on both sides.

45. The following sections of the former Acts; (that is to say,) Of the Improvement Act, 1871—

Section seventeen (alteration of level of pavements, &c.);

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Section eighteen (streets may be stopped for temporary purposes) ;

Section eighty-five (power to make minor works connected with new streets, &c.) ;

Section eighty-six (alterations of sewers, gas, and water pipes) ;

Section eighty-eight (agreements with Sir John Ramsden for streets) ;

Section ninety-six (power to deviate from levels, &c.) ; and

Section ninety-seven (time for completion of works) :

And of the Act of 1876—

Section twenty-five (streets disused vested in Corporation for sale) ;

Section twenty-six (elevation of buildings fronting streets to be as Corporation approve) ;

shall extend and apply mutatis mutandis to and in relation to the new streets, street improvements, and works by this Act authorised.

Contribution to widening of Engine Bridge.

46. The justices of the peace for the West Riding on behalf of the inhabitants of that riding shall, in pursuance of the order of the court of quarter sessions made on the fifteenth day of October one thousand eight hundred and seventy-seven, and by means of orders in quarter sessions and by estreats to be duly made and levied according to law, contribute out of the rates of the said riding in the nature of county rates the sum of two thousand pounds towards the expense of the widening and alteration of the riding bridge called Engine Bridge and the approaches thereto, and the same shall be paid to the Corporation within three months after the passing of this Act.

Engine Bridge and its approaches vested in Corporation.

47. On payment of such sum all liability of the inhabitants of the West Riding to maintain or repair the said bridge or the approaches thereto shall cease, and the said bridge and approaches shall be and are hereby transferred to and vested in the Corporation as a part of the highways of the borough, and shall be maintained and repaired by them accordingly.

PART VI.—WATER.

Extension of limits for supply of water.

48. The limits within which the Corporation may supply water shall extend to and include (in addition to the parishes, townships, and places mentioned in that behalf in the Act of 1869, the Water Act of 1871, and the Act of 1876) the following townships and parts of townships and places in the West Riding of the county of York; that is to say, the townships of Shelley and Shepley in the parish of Kirkburton, the township of Thurstonland in the said

parish of Kirkburton, except such part of that township as is situate westward of the Holmfirth Branch Railway of the Lancashire and Yorkshire Railway Company at or near Brockholes, the township of Golcar in the parish of Huddersfield, so much of the township of Honley in the parish of Almondbury as is situate northward of a line commencing at the boundary between the townships of Honley and Thurstonland at the point where that boundary crosses the road called Brockholes Lane, near the junction of that road with the roads called respectively Moor Lane and Longley Lane, thence proceeding in a straight line in a south-westwardly direction to the Huddersfield and Woodhead turnpike road at a point where the occupation road from Wheat Field House and premises belonging or reputed to belong to James Robinson joins that road, and thence proceeding in a straight line in a north-westwardly direction to and terminating at the junction of the roads called respectively Chandler Lane and Meltham Gate at or near a place called View, and thence proceeding along Meltham Gate to and terminating at the point where the occupation road to Wood Nook and Cote joins Meltham Gate aforesaid, and so much of the township of Stainland with Old Lindley in the parish of Halifax as is situate to the southward of a line commencing at the north-western extremity of the township of Longwood, where the Harrow Clough or stream joins the Hollins Hey Clough or stream, and thence proceeding south-westward in a straight line to and terminating at the boundary line between the said township of Stainland with Old Lindley and the township of Barkisland, at a point about eight chains north-eastward of the bridge at Firth House Mills; and the Corporation for the purposes of such supply shall have and may exercise all the powers, rights, privileges, and authorities they now have or may exercise within the limits of the said Water Acts under the powers of those Acts as amended by this Act: Provided always, that nothing in this section contained shall in any way lessen, prejudice, or alter any of the rights, powers, and authorities of the mayor, aldermen, and burgesses of the borough of Halifax with reference to the water supply by them to or in the remainder of the said township of Stainland with Old Lindley not hereinbefore specified, and such rights, privileges, powers, and authorities may be had, exercised, and enjoyed as if this Act had not been passed: Provided also, that nothing in this section contained shall in any way lessen, prejudice, or alter any of the rights, privileges, powers, or authorities of the mayor, aldermen, and burgesses of the borough of Batley with reference to the water supply by them to or in such part of the said township of Honley, and such part of the said township of Thurstonland respectively as is not here-

[Ch. xcix.] *Huddersfield Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880. — tofore or by this Act included in the limits of water supply of the Corporation of Huddersfield, and such rights, privileges, powers, and authorities may be had, exercised, and enjoyed as if this Act had not been passed.

Provisions
for sale of
portions of
undertaking
to other
sanitary au-
thorities.

49. If at any time after the passing of this Act any sanitary authority whose district is beyond the borough, but within the extension of the water limits made by this Act, shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the water undertaking of the Corporation as is contained within such district, and shall obtain the consent of the Local Government Board to such purchase, and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Corporation (except the lands, wells, streams, adits, waters, waterworks, mains, and pipes, or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Corporation), and to supply water within such district, then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof), and if such powers of purchase be granted the Corporation shall sell and such sanitary authority shall purchase such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts, and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act for the purposes of the water undertaking: Provided always, that any arbitrator or umpire in determining the sum to be paid by such sanitary authority for such portions of the water undertaking shall, if the Corporation so desire, have regard to the circumstances in which the Corporation have obtained powers to supply water under the provisions of this Act: Provided further, that no such sanitary authority shall be authorised until after the completion of such purchase to supply water to any part of such district, and that after the completion of such purchase all obligations on the part of the Corporation to supply water within such district shall cease and determine.

Power to
Corporation
to test water
of wells.

50. If the Corporation or their sanitary inspector or inspector of nuisances, or the medical officer of health of the borough, have reasonable ground to suspect that the water of any well, tank, cistern, or pump is unfit for domestic use, or insufficient for the proper supply of the house or houses in which the same is used,

demand may be made by such inspector or medical officer on the occupier or any person having custody of the premises in which the said well, tank, cistern, or pump is situate of admission to inspect and examine, or to take water from such well, tank, cistern, or pump between the hours of ten in the morning and four in the afternoon, and if admission be refused any justice of the borough may (on oath before him of suspicion of such unfitness or insufficiency, and after reasonable notice in writing being given to such occupier or person of the intended application to such justice) by order under his hand require such occupier or person to admit such inspector or officer, and if no person occupying or having the custody of such premises can be found, such justice may and shall (on oath of such suspicion, and of the fact that no person having custody of the premises can be found) by order under his hand authorise the said inspector or medical officer to enter the premises between the hours aforesaid for any of the purposes in this section mentioned, and any water so taken shall be analysed by a competent analyst, and if upon analysis the same be found to be so unfit, or if such well, tank, cistern, or pump be found upon examination to afford an insufficient supply, the Corporation may, on being satisfied thereof, order the said well, tank, cistern, or pump, to be permanently or temporarily closed, or that the water be used for certain purposes only, or that an additional supply be obtained in accordance with the provisions of section seventy-six (compelling houses to obtain supply of water) of the Act of 1869, or such other order as may appear to them proper to prevent injury to the persons drinking such unfit water, or to insure a sufficient supply, and the Corporation may, if they think fit, thereupon remove the said tank, cistern, or pump, and permanently fill up and cover over the said well, and the receptacle for water with which the said pump was connected, and in such case neither the said well nor receptacle shall again be opened or used without the consent of the Corporation, or they may execute such works (in default of their execution by the owner) as may be necessary to ensure such sufficient supply. The Corporation may recover the cost of removing such tank, cistern, and pump, and of filling up and covering over such well, from the owner of the same, and also from such owner the cost of executing such works in like manner as they are enabled to recover new street expenses.

If any person on whom an order is made under this section fail to comply therewith he shall be liable to a penalty not exceeding ten pounds.

51. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of the Water Acts be read and have effect as

Section 44 of
10 & 11 Vict.
c. 17.

[Ch. xcix.] *Huddersfield Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880. if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were amended for purposes of Water Acts of Corporation. omitted therefrom, and any money paid by an occupier under that section for pipes or works may be deducted from any rent from time to time due from him to such owner.

Purchase of rights of supplying water. **52.** The provisions of section ninety-two (purchase of existing waterworks in borough) of the Act of 1869 shall extend and apply to any company or body supplying or having a right to supply water within the water limits of the Corporation for the time being, whether such company or body shall or shall not have been established or constituted for the purpose of supplying water; provided that nothing in this section contained shall in any way affect, prejudice, lessen, vary, or invalidate section twenty-eight (supply of water from Huddersfield Canal) of the London and North-western Railway (New Lines and Additional Powers) Act, 1875, or section sixteen (new reservoir to be in substitution for enlargement of Wessenden Reservoir) of the Huddersfield Waterworks and Improvement Act, 1876.

38 & 39 Vict. c. clii.

PART VII.—MARKETS.

Corporation may provide dead meat market. **53.** The Corporation may from time to time set apart and appropriate for the purposes of a dead meat market any part of their market buildings, or they may on any land for the time being belonging to them construct and maintain a new covered market, with all necessary and convenient approaches, to be used as a dead meat market, and every such market shall be deemed to be for all purposes, except the fixing the amount of tolls, rates, or charges, a market of the Corporation as though the same had been constructed under the powers of the Act of 1876: Provided that the tolls, rates, and charges which the Corporation may levy, demand, and recover shall not with respect to the things mentioned in the second schedule to this Act exceed those therein set forth.

Market premises, &c. not to be underlet or altered. **54.** No person occupying, hiring, or renting any premises (including in that word any stall, booth, shed, stand, fixtures, fittings, or property of the Corporation) in any market, fair, or slaughter-house of the Corporation shall, except with their consent in writing under the hand of the town clerk, underlet or permit the same or any part thereof to be occupied or used by any other person not being a member of the family of or a servant or assistant of such occupier, and known as such to the market inspector of the Corporation, nor shall any such occupier, except with such consent, alter, add to, or remove any such premises, or knowingly permit the same to be altered, added to, or removed, and any person

offending against this enactment shall be liable to a penalty not exceeding fifty pounds, and the Corporation may remove, restore, or replace such addition, alteration, or thing removed, and recover the cost of so doing from such person as a penalty or as new street expenses, and may, if they think fit, forthwith determine such occupation, hiring, or renting.

A.D. 1880.

55. The Corporation may from time to time by byelaw define and specify the lands and buildings on or in which any particular market or cattle fair shall be held, and the goods, animals, and articles which may be brought or delivered upon or into any market, cattle fair, or slaughter-house of the Corporation, and the mode and conditions of and the incidence of risk attending such bringing and delivering respectively, and what shall be deemed wholesale or retail in any or each class of animals, articles, and things, and the form and manner in which any names and announcements shall be placed and made in or upon any premises in any market, cattle fair, or slaughter-house, and the mode of weighing and of evidencing and registering the weights of carts, animals, articles, or things weighed at the weighing-houses of the Corporation, and the charges to be made for weight tickets, and any person who shall contravene any provision made by such byelaw shall be liable for every such offence to a penalty not exceeding forty shillings.

Corporation may pre-scribe for what purpose any market may be used, &c.

56. The provisions of section fifty-five (recovery of tolls) of the Act of 1876 shall extend and apply, mutatis mutandis, to the recovery of charges payable to the Corporation for weighing.

Recovery of weighing charges.

57. If any animal, article, or thing brought into a market of the Corporation, and liable to toll, be not removed at or before the closing of such market, the toll payable in respect thereof shall be doubled in amount, and all the provisions for the time being in force with respect to the recovery of the ordinary toll on such animal, article, or thing shall extend and apply to such double toll.

Double toll on animals, &c. left in market at the close.

58. If any tenant shall on demand thereof after the same shall have become due and payable make default in the payment of any toll, rent, or charge payable to the Corporation in respect of any stall, booth, stand, shed, hiring, fixture, or property in any market, fair, or slaughter-house, the Corporation may enter upon and take possession thereof and re-let the same without prejudice to any other remedy for the recovery of such toll, rent, or charge.

Power to take possession of stalls, &c. for non-payment of rent, &c.

59. The Corporation may from time to time let to any person any slaughter-house for any term not exceeding three years for such rent and on such terms and conditions as they think reasonable and as are consistent with the provisions of the Act of 1876 relating to slaughter-houses.

Power to let slaughter-houses.

A.D. 1880.

Ejectment
for offences
in markets,
&c.

Provisions of
former Act
extended to
persons com-
mitting
offence in
slaughter-
houses.

Power to
purchase
rights as to
weights, &c.

60. The provisions of section forty-four (ejectment for repeated offences) of the Act of 1876 are hereby extended to every person who shall have been thrice convicted of any offences against any of the byelaws relating to slaughter-houses, and to every person who shall have been thrice convicted of any offence mentioned in section fifty-nine (offences in market) of the Act of 1876, and committed in any market, fair, or slaughter-house of the Corporation.

61. The provisions of section fifty-nine (offences in market) of the Act of 1876 are hereby extended to every person who shall in any slaughter-house of the Corporation commit any offence in that section mentioned.

62. The power of the Corporation to acquire all rights and jurisdictions, manorial or otherwise, over or with respect to the adjustment and inspection of weights, measures, and scales within the borough mentioned in section sixty-three of the Act of 1876 may be exercised by them compulsorily, and any such purchase shall be deemed to be a purchase within the meaning of that section.

PART VIII.—PROVISIONS AS TO INFECTIOUS DISEASES.

Further
powers with
respect to
prevention of
infection
from disease.

63. The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Acts, shall take effect:

- (1.) The Corporation may provide or license or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the borough, and may charge a fee not exceeding five shillings for any such license, and may charge a reasonable sum for the service of any nurse provided by them:
- (2.) The Corporation from time to time may order public or private schools situated in neighbourhoods affected by any infectious disease to be temporarily closed or suspended:
- (3.) The Corporation may order any shop, dairy, or place for the sale of beverages by retail, or for the sale or storage of provisions, or of clothing, or other articles liable to communicate or retain infection, or any common lodging house, to be temporarily closed whenever from the appearance of infectious disease therein or in rooms in connexion therewith such action appears to the Corporation to be necessary, and may take all such means as seem to them desirable for preventing the entrance of the public thereinto, or of the issue therefrom of any of the matters aforesaid:
- (4.) In case of the existence of cholera, small-pox, or scarlet, puerperal, typhus, or typhoid fever in any house within the

borough the Corporation may issue an order declaring such house or any part thereof an infected place, and forthwith until such order has been determined by another certifying it free from infection the following regulations shall in respect of such house or part of a house be observed :

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(A.) No person shall in any such house or part of a house exercise any indoor occupation which necessitates the handling of any clothing, food (including beverages), or article likely to communicate or retain infection and intended for sale, or for the use of persons belonging to another family :

(B.) No bedding, clothing, or other articles liable to communicate or retain infection shall be removed from such house or part of a house without previous disinfection or without proper precautions (to the satisfaction of the Corporation) for the purpose of being disinfected or destroyed :

(C.) When the room or rooms occupied by the persons suffering from such disease can, in the opinion of the medical officer of health, be effectually separated and are so separated from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations :

(D.) No person dwelling in any such house or part of a house shall work at any other place in the same room with healthy persons, except with the written permission of the medical officer of health, and after disinfection of the person and clothing :

(E.) No nurse attending on any person suffering from any such infectious disease shall, either at the same time or afterwards, attend as nurse on any other person unless with the written permission of a registered medical practitioner, and after disinfection of the person and clothing :

(5.) The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss, but such compensation shall be in regard only of direct material and pecuniary loss, and not in respect of any consequential loss or damage :

And any person who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

64. Section sixty-seven of the Act of 1876 is hereby repealed, and in order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is

[Local. 99.]

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Notice to be given of persons suffering from certain diseases.

[Ch. xcix.] *Huddersfield Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880. suffering from infectious disease, the following provisions shall have effect; (that is to say,)

- (1.) If any such inmate be suffering from any such disease as aforesaid the occupier or person having the management or control of such building (or if such occupier or person be prevented by reason of such disease, then the person in charge of such inmate) shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice in writing to the sanitary officer of the Corporation at their sanitary offices, or at the chief police station, of the existence in such inmate of such disease:
- (2.) If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by illness, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate, or in his own person, as the case may be, of such disease, forthwith give notice thereof in writing to such occupier or person:
- (3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same, forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Third Schedule to this Act:
- (4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and deliver or send a certificate or declaration to the Corporation at their sanitary office, or if the same be closed at their chief police station, stating according to the form so prescribed the name of such inmate, the situation of such building, the nature of the disease, and the name of such occupier or person:
- (5.) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of one shilling for each such certificate or declaration, but only one such certificate need be given, and only one such fee shall be payable within an interval of thirty days to the same

medical practitioner in respect of the same disease occurring in the same building: A.D. 1880.

- (6.) And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding ten pounds.

65. The Corporation may from time to time, by resolution on the report of the medical officer of health, order that measles, German measles, erysipelas, whooping cough, or splenic fever, and with the sanction of the Local Government Board any infectious or contagious disease other than those specifically mentioned in this Act, shall be deemed to be an infectious disease within and subject to the provisions of this Act. Other diseases may be declared to be within the foregoing provision.

Any such order of the Corporation may be permanent or temporary only, and if temporary the period during which it is to continue in force shall be specified therein, and the Corporation shall give public notice of the order by publishing the same by advertisement in the local newspapers circulating in the borough, and after such public notice has been given the provisions of this Act shall, so long as the order continues in force, apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act.

The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given.

66. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease, and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds. Corpses of persons dying from infectious disease not to be conveyed in public conveyance.

67. The regulations made by one of Her Majesty's Principal Secretaries of State as to burial grounds provided under the Burial Acts, and for the time being in force, and the provisions for enforcing the same, shall extend and apply to and in respect of every yard and ground in the borough used for the burial of the dead, and to the persons having the care or control of such yard or ground, as though such yard or ground was provided under the Burial Acts. Regulations of Secretary of State applicable to burial grounds to apply to churchyards, &c.

A.D. 1880.

PART IX.—ELECTRIC LIGHTING.

Electric
lighting.

68. With respect to the production and supply of light, heat, and motive power by means of electricity, the following provisions shall have effect; (that is to say,)

(1.) "Place of public resort" means any premises belonging to or used by the Corporation, whether as a municipal or sanitary authority, and any place of public worship, railway station, public garden, theatre, concert room, market, or public slaughter-house, and any shed or room in which more than one hundred workpeople are engaged :

(2.) During a period of ten years from the first day of September one thousand eight hundred and eighty, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough to produce and supply light by means of electricity, and for that purpose to exercise any of the powers hereinafter in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)

1. For any of the purposes of this section they may use any lands for the time belonging to or held on lease by them for gas purposes, and any lands for the time belonging to or held on lease by them, and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands :

2. They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses (including places for generating or accumulating electricity for producing light), or other buildings necessary for any of the purposes of this section :

3. They may manufacture, buy, or hire, and may use and may supply, sell, or let, any machinery, steam engines, gas engines, or other apparatus (including meters and fittings) necessary for the purposes of this section :

4. Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent, and sell or let, any materials or articles necessary for the purposes of this section :

5. They may acquire licenses (not being exclusive) for themselves, or for any persons, companies, or corporations licensed or supplied by them, for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things :

6. They may exercise for the purposes of this section in the whole or any part of the borough as to electric lighting any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to the municipal corporations, or the Public Health Act, 1875, for lighting by oil or gas : A.D. 1880.

7. They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers : 10 & 11 Vict.
c. 15.
34 & 35 Vict.
c. 41.

8. They may supply by agreement for use in any place of public resort light produced by electricity, and meters or other fittings, or may let meters or other fittings for any of the purposes of this section :

9. They may charge in advance, or otherwise, for any light engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction :

10. Generally they may do all things necessary and incidental to the purposes of this section :

(3.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting :

(4.) All expenses from time to time incurred by the Corporation in carrying this section into effect shall be charged on, and all receipts received by the Corporation under this section shall be carried to, the credit of the borough fund :

(5.) The Corporation, out of the moneys they are authorised to borrow and re-borrow for the purposes of their gas undertaking, may from time to time, for the purposes of this section, appropriate and apply such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of twenty thousand pounds, but the period or periods for which any such sum shall be borrowed and re-borrowed shall not exceed ten years from the date when the same was borrowed :

(6.) The Corporation shall keep accounts with respect to electric lighting separate from all their other accounts, and shall in

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such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their electric lighting undertaking, except borrowed money, as follows ; (that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of electric lighting rents and charges, and of the borrowing of money under this section ;

Secondly. In payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking ;

Thirdly. In payment of the interest on money borrowed for the purposes of this section ;

Fourthly. In providing the requisite instalments or sinking fund for repayment of money borrowed for the purposes of this section ;

Fifthly. In providing, if they think fit, a reserve fund by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by the Act of 1876 authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds, and so from time to time as often as such reduction happens ;

And shall carry to the borough fund any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to two thousand pounds :

(7.) The money borrowed for the purposes of this section shall be applied for the purposes for which it is authorised to be borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes :

(8.) Nothing in this Act shall exempt the Corporation or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament :

(9.) Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in event of any nuisance being caused by them.

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69. With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of electricity done in pursuance of this Act, the following provisions shall have effect :

Provisions
for protection
of Postmaster
General.

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster General, the Corporation or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster General specifying the course and nature of the work, including the gauge of any wire, and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said work :

2. Any difference which arises between the Postmaster General and the Corporation, or their agents, with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation or their agents were a company :

31 & 32 Vict.
c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation, or their agents, the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues :

4. Provided that nothing in this section shall subject the Corporation, or their agents, to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice :

A.D. 1880.

5. For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work :

41 & 42 Vict.
c. 76.

6. For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the Corporation were undertakers within the meaning of those sections, without prejudice, nevertheless, to any operation which the other sections of the said Act would have had if this section had not been enacted.

PART X.—MISCELLANEOUS AMENDMENTS OF FORMER ACTS.

Orders as to
paving, &c.
streets may
include
several
streets.

70. The Corporation may include several streets or parts of streets in one order made under section forty-one (power to cause certain streets and courts to be sewered and paved, &c. by owners) of the Improvement Act of 1871, or advertised or publicly posted under section seventy-five (publication of orders for sewerage and paving, &c. of streets ; repeal of section 42 of Improvement Act of 1871) of the Act of 1876.

Conversion
of privies.

71. The Corporation may from time to time order any privy, tub-closet, or ash-pit, or other like accommodation of any house, to be altered by the owner thereof according to such system as they may approve, and they may order the owner of any cesspool which is in their opinion injurious or likely to be injurious to health to close or otherwise to put the same into disuse. If at the expiration of the time specified in such order the work be not completed, or be done contrary to any of the requirements of the order, the Corporation themselves may do the work, and may recover the cost of so doing in like manner as new street expenses are authorised to be recovered: Provided that where the Corporation under this section require the alteration of any privy, tub-closet, ash-pit, or other similar accommodation which has after construction thereof been altered according to any different system required by the Corporation, all the expenses of such alteration shall be paid by the Corporation.

Chimneys.

72. With respect to chimneys (including in that expression flues and other provisions for the conducting or escape of smoke), of whatever material constructed, the following provisions shall have effect; (that is to say,)

- (1.) Every chimney intended to be used or in fact used in connexion with the furnace of a fixed steam engine or boiler, or in connexion with any trade or business, but not constructed for such purpose, and every such chimney which if originally constructed for such purpose is intended to have or in fact has connected therewith additional or enlarged fires or furnaces beyond what it was originally constructed for, shall be deemed a chimney of a new building, and shall be subject to the consent and approval of the Corporation, who may order the same to be raised, altered, or reconstructed by the owner thereof as they shall deem requisite, having regard to the extended user thereof :
- (2.) Every chimney of or from any brick-kiln or brick-burning works shall, if such kiln or works be situate within thirty yards of any street, or within two hundred yards of any dwelling-house, be constructed so as to carry such smoke to such a height as the Corporation shall in each case determine :
- (3.) All steam ejected from any fixed steam engine or the boiler thereof situate in or near to a street, and all spent or ejected steam arising or produced in any trade or business carried on in any building so situate, shall be discharged into the chimney flue or into a yard or open space in rear of such premises, and so as not to be visible from such street, or to be an annoyance to the public or to the inmates of adjacent houses :
- (4.) The foregoing provisions of this section shall not apply to the existing Spring Wood Tunnel shaft in the borough :
- (5.) Any person who shall offend against any provisions of this section shall be liable (without prejudice to the exercise of any other powers of the Corporation with reference to such offence) to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

73. From and after the passing of this Act, and subject to the provisions contained in section one hundred and ninety-three (exemption of certain railway buildings from operation of Act) of the Improvement Act of 1871—

What to be deemed new buildings, &c.

The erecting of any building ;

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

A.D. 1880.

The converting into a dwelling-house any building not originally constructed for human habitation ;

The converting into two or more dwelling-houses any building constructed originally as one dwelling-house ;

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

The erecting or placing of any building so as to cross over or occupy any uncovered space ;

shall be deemed to be the erecting of a new building, and the word building shall include an erection or building of whatever material constructed, and buildings and lands shall be deemed to be in a street when they abut on or have an access (covered or uncovered) to a street, or when only some forecourt, garden, yard, or strip of waste or unoccupied ground intervenes between any such buildings or lands and a street.

Amending
section two
hundred and
sixty-seven
of
34 & 35 Vict.
c. cli.

74. Section one hundred and six (amending section two hundred and sixty-seven of Improvement Act of 1871, as to skittle grounds, &c.) of the Act of 1876 is hereby repealed, and the following provisions shall have effect ; (that is to say,)

(1.) In sub-section five of section two hundred and sixty-seven of the Improvement Act of 1871, the words "kept or used" shall be substituted for the words "kept and used" :

(2.) The provisions of that section as so amended shall extend and apply to any house, room, garden, or other place (whether or not licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors) kept or used for public dancing, music, or other public entertainment, or for public billiards, bowls, skittles, bagatelle, dominoes, quoits, brasses, or other games of the like nature :

(3.) If any person desire to obtain a license for any period less than one year for any purpose within the meaning of the said section as by this Act amended, the justices may at any petty sessions, if and as they think fit, grant a license for such limited period, and for such purpose as they shall specify therein, to such person under and according to the conditions of the said section, without the giving of the notices required by sub-sections two and four thereof.

Projections.

75. From and after the passing of this Act, no sign, signboard, sign-iron, showboard, lamp, or other projection which projects more than one foot from the front of any building abutting on any street shall be placed or continued against or in front of any such building if in the opinion of the Corporation any such projection is or may

become a source of danger to the passengers along or through any street or any court adjoining or near thereto, and the provisions of section sixty-five (future projections of houses, &c. to be removed on notice) of the Improvement Act of 1871 shall extend to and with respect to the removal and the expenses of the removal of any such projection.

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76. The Corporation may acquire by agreement and appropriate and use the lands described in Part III. of the Fourth Schedule to this Act, or any part or parts thereof respectively, and any other lands belonging to them and not specifically appropriated to other purposes, for the purpose of erecting thereon, and may erect thereon, dwellings for the labouring class, and may hold, demise, or let the same.

Corporation may provide accommodation for persons of labouring class.

77. The Corporation may from time to time provide, erect, place, and maintain, or authorise to be erected, placed, and maintained, in any public street in the borough such places of shelter as they think fit for the use and convenience of the drivers of hackney carriages and licensed porters; but no such places of shelter shall be erected upon any private ground belonging to any railway or canal company or companies, or within the curtilage or boundary of any railway station, canal wharf, or the approaches connected therewith, so as to obstruct the free access to and egress from any railway station or canal wharf.

Shelters for drivers of hackney carriages.

78. The provisions of section one hundred and eighty-seven (public privies and urinals) of the Improvement Act of 1871 are hereby extended to the providing, cleansing, and maintaining of public waterclosets and lavatories.

Public water-closets and lavatories.

79. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say)

Byelaws as to dwellings, shelters, &c.

For prescribing the terms and conditions of and payments to be made for the user and occupation of any land, building, or erection provided by them under the powers of this Act for the accommodation of persons of the labouring class:

The removal or exclusion from any such land, building, or erection of any tenant or person resorting thereto:

The terms and conditions of and the payments to be made for the user of places of shelter for the use and convenience of the drivers of hackney carriages and licensed porters, and for the user of public waterclosets, privies, and lavatories provided by the Corporation:

The regulating the conduct of persons resorting to or using such places of shelter, or using such waterclosets, privies, and lavatories, and the removal and exclusion of persons therefrom.

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Byelaws.

80. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For prescribing the times for the removal or carriage through the streets of any fæcal, noxious, or offensive matter or liquid, and the manner and the construction of any vessel or vehicle used therefor, and to compel the cleansing and the disinfecting of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage:

For prohibiting the drawing of any weighty or bulky article along any street unless on or suspended from a wheeled carriage proper for the purpose:

For regulating traffic in any street and at any street crossing:

For prohibiting the driver of any cart or carriage from stopping such cart or carriage for the purpose of loading or unloading any article or thing or of setting down or taking up passengers in any part of a street except reasonably near to the side thereof, and in the case of any four-wheeled lorries or waggons so as that the horse shall be parallel with such side:

For compelling the cleansing of rag and bone shops and warehouses, and the keeping of the same so as not to be a nuisance or injurious to health, and for closing or discontinuing such places when not so cleansed or kept:

For compelling the fencing off on the occasion of any public fair or feast of whirligigs and swings, which, in the opinion of the Corporation, or their market inspector, or other officer authorised in that behalf, may be a source of danger or accident if not so fenced, and for prohibiting dangerous whirligigs and swings, and for controlling the speed thereof and the use of steam power as applied thereto.

Definition of
hackney car-
riages and
omnibuses.

81. For the purpose of construing the Improvement Act of 1871 and this Act the following words shall have the following meaning; (that is to say,)

“Hackney carriage” means and includes every carriage (other than a tramway car) used in standing or plying for hire in any street in the borough, and every carriage licensed by the Corporation for the conveyance of passengers:

“Omnibus” means any carriage (other than a tramway car) licensed for the conveyance of passengers paying separate and distinct fares, or used for the taking up and setting down passengers upon its route, or for the conveying of passengers paying such fares to any place within or without the borough.

Provision as
to hiring
hackney car-
riages at

82. The Corporation may attach to the license of any hackney carriage other than an omnibus a condition that it shall or may be forfeited if the proprietor of such carriage shall without reason-

able cause refuse or omit to supply during the hours when hackney carriages are not by any byelaw required to ply for hire a hackney carriage to or on the order of any person who shall at the stable of such proprietor hire or order to attend at any specified place within the borough a hackney carriage to be driven to such place within the borough as the hirer shall require, and for the fare prescribed in that behalf, according to the time for and during which such carriage shall be used in accordance with such hiring or order.

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—
stables
during cer-
tain hours.

83. The provisions of Part XIX. (dealers in marine stores, &c.) of the Improvement Act of 1871 shall extend and apply, *mutatis mutandis*, to brokers and persons dealing in second-hand furniture, household effects, and clothing.

Extension of
provisions as
to marine
store dealers,
&c.

84. The provisions of section four hundred and seventeen (form and service of notices by Corporation) of the Improvement Act of 1871 shall extend and apply to all lists, rolls, registers, returns, forms, papers, and documents required to be made, compiled, given, delivered, published, or affixed by the Corporation, or by any officer thereof.

Extension of
provisions of
section four
hundred and
seventeen of
34 & 35 Vict.
c. cli. to all
documents of
Corporation.

PART XI.—OFFENCES.

85. Every person who in a street (or elsewhere than in a street in the cases in that behalf in this section specified) commits any of the following offences; (that is to say,)

Offences.

Whoever shall wantonly deface the name of any street, or the name or number of any house therein, or any plaster or paint to receive such name or number, or any boundary mark, mile post, or direction post;

Whoever shall wantonly raise or create any false alarm of fire;

Whoever shall wantonly lop, destroy, or injure any tree, shrub, or plant, or pluck any fruit, flower, or branch therefrom;

Whoever shall wantonly pelt, hunt, or drive any cattle, whether he be or be not in charge thereof;

Whoever shall incite or encourage any cock or animal to fight, or any animal to attack, pursue, or put in fear any person or animal, or shall bait or worry any animal;

Whoever shall make water or commit any other nuisance in any street or (when forbidden by any notice) against any building, erection, fence, pillar, or post;

Whoever shall convey the whole, half, or quarter carcase of any horse, bull, cow, ox, heifer, pig, sheep, or lamb not being wholly covered or screened from view;

Whoever shall draw or carry any soot, chimney brush, or other soiling or offensive matter or thing, or any showboard, upon any footway so as to incommode any passenger;

A.D. 1880. shall be deemed to have been guilty of an offence within the meaning of section two hundred and thirty-two (penalty on persons committing any of the offences enumerated) of the Improvement Act of 1871.

Prevention of obstructions to streams, &c.

86. If any person shall after the passing of this Act place, cast, or suffer or permit to fall, flow, or be washed or carried into any drain, sewer, watercourse, stream, or river within the borough any matter, substance, or thing whatsoever so as to impede or tend to impede the free flow of the water down or in the same, or the passage of the sewage in any sewer or drain, he shall for every such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds; and the Corporation may remove such matter, substance, or thing, and recover the cost of so doing from the offender as new street expenses.

Prevention of falling of rubbish into any river.

87. No person shall place or suffer to be placed any cinders, refuse, earth, soil, or other substance (except the sweepings of snow from any street) in such a position as renders them liable to fall or be washed or carried into any river or watercourse within the borough; and if any cinders or other things as aforesaid shall be so placed, the Corporation may, in and by a notice or order in writing to be served upon the premises, require that a sufficient wall or fence shall be erected and maintained in good repair and condition by the owner of the land on which such cinders or other things as aforesaid are placed, for the purpose of preventing cinders, refuse, soil, or other substances slipping, falling, or being washed into such stream or river, and if no such notice or order shall have been so served, or having been served shall not have been complied with, any person offending against this enactment in any respect shall be liable to a penalty not exceeding ten pounds.

Prevention of nuisances.

88. If any middenstead, ash-pit, privy, or watercloset within the borough used in common by the inmates of any premises used as a separate dwelling, and also by any other persons, or the approaches to, or the walls, floors, seats, or fittings of any such middenstead, ash-pit, privy, or watercloset, or any of them, is or are in the opinion of the Corporation, or of their surveyor or medical officer of health, in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof, the persons having the use thereof in common as aforesaid shall severally be liable to pay a penalty not exceeding ten shillings each, and to a daily penalty not exceeding five shillings each.

Portable engines.

89. No portable or moveable steam engine shall be used in any street or in any building, land, or unfinished building within

the distance of twenty yards from any street, or in any market, fair, or feast ground, except in every instance with the previous license (under the hand of the town clerk) of the Corporation, who may permit such user, subject to such terms and conditions as may be stated in the license, and may charge for each license a fee not exceeding five shillings, and whoever without such license, or contrary to the terms and conditions thereof, shall so use or direct or permit to be used any such engine shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding five pounds.

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90. When any person is convicted of an offence against any provision of the Improvement Acts punishable by the infliction of a penalty or, in the discretion of the justice before whom he is convicted, by imprisonment, such justice may impose on such offender such period of imprisonment as in the opinion of the justice will satisfy the merits of the case, but not exceeding the period which under the Summary Jurisdiction Acts he may impose for the nonpayment of such penalty.

Offences how punishable.

91. Where by this Act or by any byelaw thereunder respectively, any act or thing, whether of omission or commission, is made punishable, the causing, procuring, aiding, or abetting such act or thing shall be punishable in like manner if the nature of the case permits, and unless an intention to the contrary appears in the Act or byelaw creating the offence.

Abettors, &c.

92. Section three hundred and eighty-nine (appeal in cases of summary conviction against orders of justices or against rates, &c.) of the Improvement Act of 1871 shall be incorporated with and form part of this Act.

Appeal.

PART XII.—LANDS.

93. Subject to the provisions of this Act, the Corporation may enter upon, take, and use all or any part of the lands described in the deposited plans and book of reference which they may require for the purposes of this Act, except the lands set forth in Part I. of the Fourth Schedule to this Act: Provided that the Corporation shall not acquire otherwise than by agreement any estate or interest of Sir John Ramsden (as that term is defined by section five of the Act of 1876) in any lands adjoining any lands which he shall (so far as his estate or interest therein extends) agree with the Corporation to appropriate without compensation for any new streets or street improvements by this Act authorised.

Power to Corporation to take certain of the lands referenced.

94. And whereas in the construction of the improvements and works hereby authorised it may happen that portions only of cer-

Owners may be required to sell parts

A.D. 1880.

only of certain lands and buildings.

tain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same, and that such portions may be severed from the remainder of the said properties without material detriment thereto; therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands and buildings described in the Fifth Schedule to this Act, and whereof parts only are required for the purposes of this Act, may (if such portions can in the judgment of the jury, arbitrators, or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required, without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other parties interested therein, by severance or otherwise.

Power to stop up footways.

95. The Corporation may discontinue and stop up any public footways in or over any lands acquired by them under the compulsory powers of this Act, and described in the deposited book of reference, and thereupon all right of way over such footways shall be extinguished, and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Limitation of time for compulsory purchase of lands.

96. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of the following periods from the passing of this Act; (that is to say,)

For the purposes of new streets and street improvements, ten years;

For all other purposes, six years.

Power to acquire additional lands by agreement.

97. The Corporation may (in addition to the lands they are authorised to acquire and hold under the powers of the former Acts and this Act) from time to time, by agreement, acquire in fee, either by purchase or by way of exchange or otherwise, any land, not exceeding in the whole for waterworks purposes twenty acres, and for other purposes of this Act ten acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which shall be deemed necessary by the Corporation, but the Corporation shall not deal with any such lands so as to create a nuisance, nor shall they use for any building purpose unconnected with their waterworks any lands so acquired for the purposes thereof.

[43 & 44 VICT.] *Huddersfield Improvement Act*, 1880. [Ch. xcix.]

98. The consideration for any such acquisition may be either money or land, or any yearly sum or rentcharge or other rent, or a mixed consideration of money and land, and on any exchange the Corporation may give or take any money for equality of exchange.

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Consideration for such acquisition.

99. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege (not being an easement of water), required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

100. The Corporation may use the whole or any portion of the lands described in Part II. of the Fourth Schedule to this Act, when acquired by them, for any purpose mentioned in section one hundred and fifty-eight (disposition of sewage) of the Improvement Act of 1871.

Certain lands may be used for disposition of sewage.

101. The Corporation may use such portion as they may acquire of the lands described in Part IV. of the Fourth Schedule to this Act for the purposes of their water undertaking, but they shall not erect thereon any buildings unconnected with that undertaking.

Lands for waterworks.

102. Subject to the provisions of this Act, the Corporation may from time to time appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being part of their corporate estates.

Corporation may use their own lands for purposes of Act.

103. Section three hundred and thirty-one (power to sell, &c. lands not wanted) of the Improvement Act of 1871 shall not extend so as to prevent the Corporation, if they think fit, selling along with any land of the Corporation the soil of so much of the footway of any street as extends along the front of such land, subject to the reservation of the public right of way over such footway.

Explaining section 331 of 34 & 35 Vict. c. cli.

104. The notice required by section three hundred and twenty-one (correction of errors, omissions, &c.) of the Improvement Act of 1871 to be given to the owners of the lands affected by the proposed correction shall be given also to the lessees and occupiers of such lands.

Amending section 321 of 34 & 35 Vict. c. eli.

105. The provisions of the following sections of the Improvement Act of 1871; (that is to say,)

Provisions as to lease and sale of lands.

Section three hundred and twenty-one (correction of errors, omissions, &c.), as amended by this Act;

[*Local.-99.*]

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Section three hundred and twenty-six (power to grant building leases of lands near park, &c.) ;

Section three hundred and twenty-seven (power to make agreements as to building leases, &c.) ;

Section three hundred and twenty-eight (sale of land subject to building leases, &c.) ;

Section three hundred and twenty-nine (power to sell without previous grant of building lease) ;

Section three hundred and thirty (sales to be made within limited time) ;

Section three hundred and thirty-one (power to sell, &c. lands not wanted), as explained by this Act ;

Section three hundred and thirty-two (application of purchase money of land) ;

Section three hundred and thirty-three (lands in certain cases not to be sold without consent of Treasury) ;

shall (so far as they are not inconsistent with the provisions of this Act) extend and apply, mutatis mutandis, to the acquisition, lease, and sale of lands acquired by the Corporation under the powers of this Act.

PART XIII.—FINANCE.

Power to borrow.

106. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on the following securities and for the following purposes the following sums ; (that is to say,)

For tramway purposes, one hundred thousand pounds, on security of the tramway revenue, borough fund, and borough rate :

For waterworks purposes, one hundred and fifty thousand pounds, on security of the revenue of the water undertaking and the borough fund and borough rate :

For gasworks purposes, fifty thousand pounds, on security of the revenue of the gas undertaking and the borough fund and borough rate :

For markets and fairs and slaughter-house purposes, thirty thousand pounds, on security of the revenue of the market undertaking and the borough fund and borough rate :

For other purposes of the Improvement Acts, fifty thousand pounds, on security of the borough fund and borough rate.

Borrowing for water-works purposes no longer to be under 10 & 11 Vict. c. 16.

107. So much of section two of the Act of 1869 and of section two of the Water Act of 1871 as incorporates the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners is hereby repealed, and from and after the passing of this Act all moneys borrowed or re-borrowed by

the Corporation for waterworks purposes shall be borrowed and re-borrowed in the same manner as moneys are borrowed and re-borrowed under the provisions of the Improvement Acts, and the forms of mortgages and transfers of mortgages in the Fourth Schedule of the Improvement Act of 1871 may be adapted to mortgages and transfers of mortgages made for waterworks purposes.

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108. The periods within which the moneys borrowed by the Corporation under the powers of this Act shall be repaid shall be the following; (namely,)

Periods within which borrowed moneys are to be repaid.

As to moneys borrowed for waterworks purposes, one hundred years:

As to moneys borrowed for the purposes of electric lighting, ten years:

As to moneys borrowed for any other purpose, sixty years.

109. The appropriation for the sinking fund to be established for the repayment of moneys so borrowed shall commence at the following dates; (namely,)

Dates for commencement of formation of sinking funds.

As to moneys to be borrowed for waterworks purposes, on the first day of January next after the expiration of ten clear years from the date of the borrowing of such moneys:

As to moneys to be borrowed for purposes other than waterworks, on the first day of January next after the expiration of three clear years from the date of the borrowing of such moneys.

110. The following sections; (that is to say,)

Section one hundred and twenty-six (priority of existing mortgages);

Section one hundred and thirty (annual return to Local Government Board with respect to sinking funds);

Section one hundred and thirty-five (Corporation not to regard trusts) of the Act of 1876;

Certain provisions of 39 & 40 Vict. c. c. extended to this Act.

shall extend and apply, mutatis mutandis, to and in relation to all moneys borrowed under the powers of this Act, and to any assessments and rates made for the purposes of this Act.

111. Sub-section three of section thirty-five (power to borrow for works, &c., subject to Act of 1869, altered as to payment of interest, sinking fund, &c.) of the Water Act of 1871 is hereby repealed, and in lieu thereof the following provision shall have effect; (that is to say,)

Interest on moneys borrowed for waterworks purposes may be capitalised.

Section forty-nine (application of money borrowed for works, &c.) of the Act of 1869 shall not have effect for the purposes of that Act, or of the Water Act of 1871, or of the Act of 1876,

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or of this Act, so as to control the payment of interest up to the thirty-first day of August one thousand eight hundred and seventy-eight on all money borrowed for waterworks purposes prior to that date, and of interest on all money borrowed (either before or after that date) for the construction or completion of waterworks not then constructed or completed until the Corporation shall have completed those works, and for the purposes of this section such interest shall include interest on unpaid purchase money for lands bought for waterworks purposes.

Power to
borrow under
38 & 39 Vict.
c. 83.

112. The Corporation may, if they think fit, borrow any moneys which they are by either of their former Acts or by this Act authorised to borrow 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. Any moneys borrowed in manner by this section authorised for any of the purposes of either of their former Acts by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Acts, and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act, 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act under the authority of which the same shall have been raised, and such discharge, or any part thereof, shall be effected by means of a sinking fund if the Corporation shall so think fit: Provided always, that if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested. The forms set forth or referred to in the Fifth Schedule to the Act of 1876 may be used by the Corporation for the purposes of the Local Loans Act, 1875.

Expenses of
executing
Act.

113. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid as follows; (that is to say,)

Expenses of and connected with tramways, out of tramway revenue;

Expenses of and connected with markets, fairs, and slaughter-houses, out of market revenue;

Expenses of and connected with waterworks, out of waterworks revenue;

[43 & 44 VICT.] *Huddersfield Improvement Act*, 1880. [Ch. xcix.]

Expenses of and connected with gas and electric lighting, out of gas revenue ; A.D. 1880.

All other expenses, out of the borough fund ;
and all deficiencies in any or either of the said revenues shall be met out of the borough fund, and all moneys payable to or receivable by the Corporation under this Act or any byelaw thereunder shall be carried to the borough fund and to the credit of the proper account therein.

114. Section three hundred and forty-one of the Improvement Act of 1871 (assessment for tithes, railways, &c. in certain cases) shall be incorporated with and form part of this Act, and shall extend and apply to any increase or addition made under the authority of this Act to any borough rate levied for purposes other than tramways purposes, or purposes with respect to which the partial exemption is not at present applicable. Rating of railways for certain purposes.

115. Notwithstanding anything in the Act of 1876, the Corporation shall not, under the powers of that Act, or otherwise, acquire, except by agreement, the plot of land situate at Benholmley in the township and parish of Almondbury, and described in Part V. of the First Schedule to that Act, and in that Part distinguished by the letter B. Land at Benholmley not to be taken compulsorily.

116. The provisions of section one hundred and two (general provisions as to byelaws) of the Act of 1876 shall extend and apply to the making, enforcing, and evidencing of byelaws made under the provisions of this Act, other than byelaws with respect to tramways, and the forms scheduled to the Improvement Acts may be used for the extended powers and undertakings of the Corporation, and may be intituled and adapted accordingly. As to notices, forms, &c.

117. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the borough fund, and shall be debited to such accounts as the Corporation think fit. Expenses of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

REGULATIONS with respect to use of STEAM or MECHANICAL POWER
ON TRAMWAYS.

Break power
of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings
of engines, &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted—

With an indicator, by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine, so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

As to car-
riages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall on the application of the Corporation, and may on complaint made by any person, from time to time, inspect any engine or carriage used on the tramways and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through moveable facing-points shall not exceed the rate of four miles an hour.

THE SECOND SCHEDULE.

TOLLS FOR DEAD MEAT MARKET.

			s.	d.
For each carcase of an ox, bull, cow, or heifer	-	-	1	0
For each half or smaller part of such a carcase	-	-	0	6
For each carcase of a calf, sheep, goat, or pig	-	-	0	6
For each half or smaller part of such a carcase	-	-	0	3

THE THIRD SCHEDULE.

CERTIFICATE OF INFECTIOUS DISEASE.

The Huddersfield Improvement Acts.

To the Corporation of the
Borough of Huddersfield.

Pursuant to the above-mentioned Acts, I hereby certify and declare that in my opinion the under-mentioned person is suffering from [*here state the nature of the disease indicated by the symptoms observed*].

Dated the day of 18 .
Signed

Name of person suffering from the }
disease - - - - - }
Situation of the house, building, or }
room wherein such person is }
Name of the occupier or person in }
charge of such house, building, or }
room - - - - - }

N.B.—The certificate must (under penalty of ten pounds in case of neglect) be forthwith delivered or sent by the medical practitioner to the Corporation at their Sanitary Office, or, if that is closed, at their chief police station, and must be marked "Immediate."

THE FOURTH SCHEDULE.

PART I.—LANDS not to be acquired under the powers of this Act.

A piece of land situate in Ramsden Street and Princess Street, and now in the occupation of the Corporation, and bounded on the north-east by Ramsden Street, on the south-west by Princess Street, on the north-west by Back Buxton Road, and on the north-east in part by the central line of Peel Street, and in other part by the piece of land next herein-after described.

A piece of land situate in Princess Street and Back Ramsden Street, adjoining south-westwardly upon the last-described piece of land, and now in the

A.D. 1880. — occupation of the Corporation or their undertenants, and bounded on the north-east by Back Ramsden Street, on the south-west by Princess Street, on the north-west by the said lastly-described piece of land, and on the south-east by land belonging or reputed to belong to Sir John William Ramsden, now or heretofore in lease to Benjamin Thornton and others.

A piece of land situate in Zetland Street, and now in the occupation of the Corporation, bounded on the south-east by Zetland Street, on the south-west by a back street, and on the other sides thereof by lands belonging or reputed to belong to Sir John William Ramsden, now or heretofore in lease to or occupied by David Webster, Joseph Sykes, and others, and the respective representatives of William Wilks and William Johnson.

A piece of land situate near Hillhouse Lane, and now in the occupation of the Corporation, bounded northwardly in two lines by land belonging or reputed to belong to Sir John William Ramsden, in the occupation of the Brighthouse Brick, Stone, and Tile Company, Limited, eastwardly in an irregular line by the Huddersfield Canal, belonging or reputed to belong to the London and North-western Railway Company, westwardly by land belonging or reputed to belong to Sir John William Ramsden, set out as streets, and southwardly by other land belonging or reputed to belong to Sir John William Ramsden.

A piece of land bounded on the north in two lines partly by Victoria Street and partly by land belonging or reputed to belong to Sir John William Ramsden, now or heretofore in lease to the trustees of Joseph Kaye, deceased, on the west by Bull and Mouth Street, on the south by Cross Queen Street, and on the east in two lines by land belonging or reputed to belong to Sir John William Ramsden, now or heretofore in lease to Joseph Kaye's executors, and which said now being described piece of land is now in the occupation of the Corporation as a police station.

A piece of land situate in Spring Street, bounded on the north and partly on the west by property belonging or reputed to belong to the Vicar of Huddersfield, on the east by land belonging or reputed to belong to Sir John William Ramsden, now or heretofore in lease to Charles Henry Bradley, on the south by Spring Street, and on the other part of the west by property belonging or reputed to belong to the Corporation, and which said now being described piece of land is now in the occupation of the Corporation as part of and in connexion with their waterworks undertaking.

A piece of land situate on the west side of the canal in Leeds Road, and now in the occupation of the Corporation as part of their gasworks.

A piece of land situate on the east side of the canal in Leeds Road, and now in the occupation of the Corporation as part of their gasworks.

Three pieces of land situate respectively in Leeds Road, and now in the occupation of the Corporation as part of their gasworks.

A piece of land situate in Leeds Road, now in the occupation of the Corporation as part of their gasworks.

A piece of land situate in or near Leeds Road, now in the occupation of the Corporation as part of their gasworks.

A piece of land situate in Gasworks Street, Leeds Road, now wholly or partly occupied by the Corporation as part of their gasworks.

All which foregoing pieces of land are in the township and parish of Huddersfield.

A piece of land situate in Moldgreen in the township of Dalton in the parish of Kirkheaton, now wholly or partly occupied by the Corporation as part of or in connexion with their gasworks undertaking.

A piece of land, with the buildings thereon, situate in the said township and parish of Huddersfield, abutting on the south side on Back Union Street, and bounded on the east and north-east in part by Leeds Road, and in other part by land belonging or reputed to belong to Sir John William Ramsden, on the north in two lines partly by land belonging or reputed to belong to Sir John William Ramsden, and partly by land in lease to or in the occupation of Henry Schofield and others, and on the south-west by other land belonging or reputed to belong to Sir John William Ramsden, set out or intended for a new street.

Saint Thomas's Churchyard, numbered 145 on the deposited plans.

That part of the garden and schoolyard attached to Saint Thomas's Schools, and numbered respectively 143 and 144 on the deposited plans, which lies northward of a straight line drawn from the eastern gate-post of the entrance from Manchester Road into the said schoolyard to the south-west corner of Fenton Row.

That part of the vicarage garden numbered 153 on the deposited plans which lies northward of a straight line drawn from the south-east corner of that garden to the south-east corner of the building numbered 154 on the deposited plans.

PART II.—LANDS to be acquired for Sewage Works.

Certain lands situate near to Woodhouse Mills, Leeds Road, in the township and parish of Huddersfield, lying between the Huddersfield Canal on the west and the River Colne on the east, and extending northward from the viaduct of the Kirkburton Branch Railway of the London and North-western Railway Company to the fence commencing at the canal towing-path, at a point about one hundred and ten yards southward of the east corner of the bridge crossing the canal at Johnson's Lock, and extending thence in an easterly direction to the said river.

PART III.—LANDS to be acquired by Agreement and used for Labouring-class Dwellings.

A piece of land situate near to Aspley Mills, in the said township and parish of Huddersfield, bounded on or towards the east by the newly set out or intended street called Saint Andrew's Road, authorised by the said Huddersfield Improvement Act, 1871, to be constructed by the Corporation, on or towards the west by the towing-path of the said Huddersfield Canal, on or towards the south and north by land belonging or reputed to belong to Sir John William Ramsden.

PART IV.—LANDS to be acquired for Waterworks purposes.

1. A piece of land situate near to the old workhouse on Lindley Moor in the township of Lindley-cum-Quarmby in the parish of Huddersfield, belonging or

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reputed to belong to the overseers of the poor of the said township of Lindley-cum-Quarmby, bounded on all sides by other land of the said overseers. Also another piece of land now used as an occupation road, and situate in the said township of Lindley-cum-Quarmby, adjoining the last-mentioned piece of land, and extending therefrom to Potoven's Road.

2. A piece of land situate near to Windowend in the township of Golcar in the parish of Huddersfield, and belonging or reputed to belong to the trustees of Joseph Beaumont, deceased, and Charles Henry Beaumont, or one of them, bounded on the west by Clough Road, and on all other sides thereof by other lands of the said owners.

3. A piece of land situate near to Bank End in the said township of Golcar, belonging or reputed to belong to William Sykes, and bounded on the east and west sides thereof by other land of the said William Sykes, on the north by land belonging or reputed to belong to the trustees of Joseph Wood, deceased, and on the south by Copley Bank Road.

4. A piece of land situate near to Upper Fields in the said township of Golcar, belonging or reputed to belong to Henry Savile, and in the occupation of John Whitwam, bounded on the north by Slades Road, on the east by Ridings Lane, and on the south and west by other lands belonging or reputed to belong to the said Henry Savile.

5. A piece of land situate at or near to Cockley Hill in the township and parish of Kirkheaton, belonging or reputed to belong to Henry Frederick Beaumont, and in the occupation of James Schofield, bounded on all sides thereof by other lands belonging or reputed to belong to the said Henry Frederick Beaumont. Also another strip or parcel of land adjoining thereto and extending therefrom to Cockley Hill Lane.

THE FIFTH SCHEDULE.

LANDS and BUILDINGS of which portions only are required.

Parish.	Numbers on deposited Plans.
Almondbury - -	100, 101, 102.
Huddersfield - -	116, 117, 118, 121, 122, 126, 130, 131, 132, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 150, 151, 153, 256.