

**CHAPTER xliv.**

An Act to authorise the Corporation of Halifax to make additional Waterworks and for other purposes. A.D. 1888.

[28th June 1888.]

WHEREAS the borough of Halifax in the west riding of the county of York (herein-after in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation") and the Corporation acting by the council are the sanitary authority for the district of the borough with the powers and obligations of an urban sanitary authority :

And whereas by the Halifax Improvement Act 1853 the Corporation were empowered to execute the works in that Act mentioned for the purpose of supplying water within the limits prescribed by that Act :

And whereas further powers in relation to the supply of water were granted to the Corporation by the Halifax Park and Improvement Act 1858 the Halifax Improvement Act 1862 the Halifax Extension and Improvement Act 1865 the Halifax Corporation Waterworks and Improvement Act 1868 the Halifax Water and Gas Extension Act 1870 and the Halifax Water and Gas Act 1876 and by such further Acts or some of them the limits for the supply of water prescribed by the Act of 1853 were extended :

And whereas the said further Acts and the Act of 1853 are in this Act referred to generally as "the recited Waterworks Acts" and severally as the Act of the year in which the Act referred to was passed :

And whereas the Corporation have never exercised the powers granted to them by the Act of 1868 and extended by the Act of 1876 to construct at Walshaw Dean in the township of Wadsworth in the parish of Halifax the works described in the deposited plans referred to in the Act of 1868 as the Walshaw Dean Upper Reservoir the Walshaw Dean Middle Reservoir and the Walshaw Dean Lower

A.D. 1888. — Reservoir and the aqueducts or conduits connected therewith also shown on those plans and the other works relating to or connected with those reservoirs aqueducts and conduits and the said powers have now lapsed :

And whereas it is expedient for the purpose of enabling the Corporation to supply water more effectually to the borough and the district within the limits of supply prescribed by the recited Waterworks Acts that the Corporation should be again authorised and empowered to make and construct with the alterations in this Act set forth the three reservoirs at Walshaw Dean and the aqueducts or conduits and works connected therewith authorised by the Act of 1868 :

And whereas plans of the works authorised by this Act and of the lands which the Corporation may acquire under this Act and sections of the said works and a book of reference to such plans have been deposited with the clerk of the peace for the west riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas an estimate has been prepared by the Corporation for the purchase of lands for and for the execution of the works by this Act authorised and the same amounts to one hundred and eighty thousand pounds :

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

And whereas it is expedient that the Corporation should be authorised to raise moneys for the purposes herein-before mentioned in manner by this Act provided :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fifteenth day of December one thousand eight hundred and eighty-seven after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Halifax Courier a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rates leviable within the borough :

And whereas that resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a

similar notice on the fourth day of January one thousand eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1888.
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And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

1. This Act may be cited for all purposes as the Halifax Corporation Waterworks Act 1888. Short title.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts);

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised.

3. The several words and expressions to which by the Public Health Act or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act— Interpretation of terms.

“The undertakers” or “the company” means the Corporation;

“The railway” means the reservoirs by this Act authorised to be constructed;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs;

“The council” means the council of the borough;

“The town clerk” means the town clerk of the borough;

A.D. 1888.

- “The accountant” means the accountant of the borough ;
 “The borough fund” and “the borough rate” mean the
 borough fund and borough rate of the borough ;
 “The Public Health Act” means the Public Health Act 1875
 and any Act amending the same:

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

Act to be
executed by
Corporation.

4. This Act shall be carried into execution by the Corporation acting by the council.

Power to
make water-
works.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks and other works following (that is to say) :—

- (a) A reservoir (Walshaw Dean Lower Reservoir) to be situate on a stream known as the Alcomden Water or Walshaw Dean Water or one or both of them the embankment of which reservoir will be placed nine hundred and thirty yards or thereabouts measured in a straight line in a north-easterly direction up the said stream above the point where the public road is carried across the said Alcomden Water by the bridge known as Holme Ends Bridge at which embankment the reservoir will commence and thence extend up such stream in a north-easterly direction for a distance of seven hundred and eighty-one yards or thereabouts measured in a straight line and there terminate :
- (b) A reservoir (Walshaw Dean Middle Reservoir) to be situate on a stream known as Walshaw Dean Water the embankment of which reservoir will be placed three hundred and forty-five yards or thereabouts measured in a straight line in a north-easterly direction above the point where the stream known as Shaw Dike joins the said Walshaw Dean Water at which embankment the reservoir will commence and thence extend up the Walshaw Dean Water in a north-easterly direction for a distance of nine hundred and sixty yards or thereabouts measured in a straight line and there terminate :
- (c) A reservoir (Walshaw Dean Upper Reservoir) to be situate on the said stream known as Walshaw Dean Water the embankment of which reservoir will be placed four hundred and twenty yards or thereabouts measured in a straight line in a northerly direction above a certain sheep pen known as Lower Fold

A.D. 1888.

- adjoining the said stream at which embankment the reservoir will commence and thence extend up such stream in a northerly direction for a distance of seven hundred and thirty-five yards or thereabouts measured in a straight line and there terminate :
- (d) An aqueduct tunnel conduit or line of pipes to commence at or in the stream known as Grey Fosse Clough at a point one hundred and thirty yards or thereabouts measured in a straight line in a westerly direction up such stream from its junction with the stream known as Walshaw Dean Water and to terminate in the said stream known as Alcomden Water or Walshaw Dean Water or one or both of them eight hundred and fifty yards or thereabouts measured in a straight line in a north-easterly direction from the point where the public road is carried across the said stream by the bridge known as the Holme Ends Bridge :
- (e) An aqueduct tunnel conduit or line of pipes to commence in the intended reservoir firstly herein described at a point one thousand and forty yards or thereabouts measured in a straight line in a north-easterly direction up the Alcomden Water or Walshaw Dean Water above the point where the public road is carried across the said Alcomden Water by the bridge known as Holme Ends Bridge and to terminate in the existing aqueduct of the Corporation at the well on the said existing aqueduct on the east side of the stream known as Alcomden Water near the bridge known as Holme Ends Bridge :
- (f) An aqueduct tunnel conduit or line of pipes to commence in the intended reservoir secondly herein described at a point on the stream known as Walshaw Dean Water four hundred and forty-five yards or thereabouts measured in a straight line in a north-easterly direction from the junction of the stream known as Shaw Dike with Walshaw Dean Water and to terminate in Walshaw Dean Water two hundred and twenty-five yards or thereabouts measured in a straight line in a north-easterly direction from the said junction of Shaw Dike and Walshaw Dean Water :
- (g) An aqueduct tunnel conduit or line of pipes to commence in the intended reservoir thirdly herein described at a point in the stream known as Walshaw Dean Water five hundred and thirty yards or thereabouts measured in a straight line in a northerly direction from a certain sheep pen known as Lower Fold adjoining the said stream and to terminate in Walshaw Dean Water two hundred and fifty yards or thereabouts measured in a straight line in a northerly direction from the said sheep pen known as Lower Fold :

Together with all necessary and proper cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs

A.D. 1888.

gauges wells tanks filter beds filters embankments bridges roads approaches telegraphic and telephonic apparatus engines machinery appliances apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same but all wires in connexion with such telegraphic and telephonic apparatus shall be placed and for ever afterwards kept below the level of the surface of the lands across which they run Provided that such telegraphic and telephonic apparatus shall not be used in contravention of the exclusive privilege conferred upon Her Majesty's Postmaster General by the Telegraph Act 1869.

The works aforesaid will be situate wholly in the township of Wadsworth in the parish of Halifax in the west riding of the county of York.

Power to
take lands
and waters.

6. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purpose of their waterworks collect impound take use get and appropriate all rivers springs streams and waters intercepted by any of those works and all springs streams and waters found in on or under any of those lands acquired by the Corporation and may stop up all occupation roads and footways upon the same lands and may appropriate for the purposes of this Act the sites of the occupation roads and footways so stopped up.

Limits of
lateral deviation.

7. In the construction of the works by this Act authorised the Corporation may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of the limits of lateral deviation marked in each case thereon.

Limits of
vertical
deviation.

8. In the construction of the works by this Act authorised the Corporation may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet upwards or ten feet downwards and in the case of other works to any extent not exceeding five feet upwards or seven feet downwards Provided always that the Corporation shall not in the exercise of the power of lateral deviation herein-before given construct any embankment or wall of the reservoirs by this Act authorised of a greater height above the general surface of the ground than that of the corresponding embankment or wall shown on the deposited sections and three feet in addition.

Time for
completion
of works.

9. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof

respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed. A.D. 1888.

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

11. The Corporation may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but such lands shall not be used for any building except buildings required for or used in connexion with the water undertaking of the Corporation. Power to take additional lands by agreement.

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

13. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of water rights &c. on sale.

14. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed for waterworks purposes by the Corporation and any moneys so discharged shall not be re-borrowed Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. Proceeds of sale of surplus lands to be treated as capital.

15. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or Restriction on taking houses of labouring class.

A.D. 1888. — on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Existing water-works of Corporation and works authorised by this Act to form one undertaking.

16. Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes whatsoever inclusive of rents rates and charges be deemed part of the waterworks undertaking of the Corporation as if they had been authorised by and included or referred to in the recited Waterworks Acts.

As to compensation water to be given by the Corporation.

17. The Corporation shall not use divert interfere with retain or appropriate by means of any of the works by this Act authorised any of the waters which now flow or pass or which but for the passing of this Act would have flowed or passed into the Walshaw Dean Water and thence into the Alcomden Water the Hebden Water and the River Calder unless and until the reservoirs by this Act authorised or one of those reservoirs shall be so far completed and so far filled with water as that not less than two cubic feet and two thirds of a cubic foot of water per second shall be capable of being regularly and continuously discharged and shall be so discharged therefrom into the Walshaw Dean Water or Alcomden Water and the quantity of water so to be discharged as aforesaid shall be for the use of and by way of full compensation to the owners lessees and occupiers of canals mills and other works and to all other persons interested in the waters which the Corporation may under the provisions of this Act take use get or appropriate by means of any of the works by this Act authorised to for or in respect of such taking use getting or appropriation.

Gauges to be erected.

18. The Corporation shall and they are hereby required at their expense to erect and construct and for ever after maintain to the satisfaction of Sir John Savile or his successors in title and of the owners and occupiers of the several present and future mills and works on the said streams and river and of all other persons interested in the water so to flow or be discharged through or over the same a suitable measuring gauge or gauges over or through which the said quantity of compensation water shall flow or be discharged and the gauge or gauges shall be respectively open to the inspection and examination of the same persons respectively.

19. If at any time the gauge or gauges to be constructed and maintained by the Corporation as aforesaid shall be in an unfit state of repair or condition for the purposes for which they are intended the same shall be forthwith put into a proper and efficient state of repair and condition by and at the expense of the Corporation or if they fail so to do within seven days after notice given to them by or on behalf of Sir John Savile or his successors in title or any of the occupiers of the mills and works interested in the supply of water to pass through or over the same requiring the Corporation so to do it shall be lawful for the said Sir John Savile or his successors in title or for any of the said occupiers to cause such works to be done and performed in connexion with the said gauge or gauges as shall be necessary for placing them in a proper and efficient state and condition and to recover the expense of such works with full costs of suit against the Corporation in any court of competent jurisdiction.

A.D. 1888.

Sir John Savile and millowners may repair gauges if Corporation fail to do so.

20. In case the Corporation shall wilfully or after written notice fail to discharge water in the quantity and in the manner required by this Act as aforesaid to be discharged into the Walshaw Dean Water or Alcomden Water the Corporation shall for and during every day on which such failure shall occur forfeit and pay by way of penalty to Sir John Savile or his successors in title or to the occupier or occupiers of any mill or works which shall be affected thereby and the occupier or occupiers of which shall actually have received damage and incurred loss by reason of such failure (such mill or works not being lower down the River Calder than the eastern boundary of the Elland Estate of Sir John Savile) the sum of ten pounds such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by the Waterworks Clauses Act 1847.

Penalty on failure to supply the stipulated quantity of water.

21. The Corporation shall at all times hereafter pay and make good to the owners and occupiers of mills and every other person or corporation all loss costs damages and expenses whatsoever which they may respectively suffer sustain incur or be put unto by reason of the bursting breaking down leaking or giving way of any of the reservoirs to be constructed under the authority of this Act or any embankment or other work connected therewith or from the improper construction of such reservoirs and works or any of them or from the want of repair thereof or of any work connected therewith.

Compensation to owners of property for damage in case of bursting of reservoirs.

22. As between the several owners lessees and occupiers of lands waterfalls mills and works upon the Walshaw Dean Water the Alcomden Water and the Hebden Water and upon the River Calder nothing in this Act contained shall be construed to affect diminish prejudice or alter in any manner whatsoever any right which before

Saving rights of mill-owners.

A.D. 1888. — the passing of this Act such owners lessees and occupiers lawfully possessed or enjoyed to the use or storage of the waters of the said streams and river Provided always that this enactment shall not affect diminish prejudice or alter the powers by this Act given to the Corporation.

Saving for
streams in
Wadsworth.

23. Nothing in this Act shall authorise the Corporation to intercept or interfere with any streams found in or upon lands lying between the fields respectively numbered on the deposited plans 1 and 23 in the township of Wadsworth (both inclusive).

Reservation
of fishing and
sporting
rights.

24. The exclusive right of fishing together with the rights of fowling and sporting in and over so much of the Walshaw Dean Lower Reservoir and the works and open channels in connexion therewith as are situate on lands now belonging to John Crossley Sutcliffe and John Crossley Fawcett or other the owners or owner for the time being of the Holme House Estate who are herein-after in this section collectively referred to as the said owners or owner and the exclusive right of sporting and fowling in and over the surface of any lands purchased by the Corporation from the said owners or owner are hereby reserved to the said owners or owner with liberty for the said owners or owner to keep a boat on such reservoir and to erect and maintain a boathouse on the banks thereof upon lands acquired from the said owners or owner but so as not to interfere with the works of the Corporation and similar rights are hereby reserved to Sir John Savile or other the lord or lords of the manor for the time being of Wadsworth in and over the remaining portion of the said Walshaw Dean Lower Reservoir and wholly over the Walshaw Dean Middle Reservoir and the Walshaw Dean Upper Reservoir and the open drains in connexion with the two last-mentioned reservoirs with liberty for him and his sequels in title to keep a boat upon each of the said reservoirs and to erect a boathouse at some convenient place upon the banks of each of the said reservoirs for the covering and protection of such boats Provided nevertheless that such rights powers and authorities shall not be exercised so as to foul the water of the reservoirs and shall not in anywise interfere with the right power and authority of the Corporation at all times to draw off the water from the said reservoirs and to do all such acts matters and things whatsoever as may be necessary for cleansing and repairing the said reservoirs and works connected therewith and for preventing the water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

Repeal of
section 21
of Act of
1876.

25. Section 21 of the Act of 1876 (the marginal note whereof is "supply of water in bulk") is hereby repealed.

26. The Corporation shall supply and the Hebden Bridge Local Board shall take such a quantity of water in bulk as they shall from time to time require and the said local board shall pay to the Corporation for such supply at the rate of fourpence per one thousand gallons for a period of seven years dating from the first day of January one thousand eight hundred and eighty-eight and for ever thereafter at the rate of threepence halfpenny per one thousand gallons and the existing agreement between the said parties dated the thirteenth day of May one thousand eight hundred and sixty-eight set forth in the schedule to this Act shall be read and have effect as if the price hereby provided for had been therein inserted but subject thereto and to any modifications that may from time to time be agreed upon by the said parties the said agreement shall remain in full force and effect.

A.D. 1888.
 Terms of supply to Hebden Bridge Local Board.

27. Notwithstanding anything in the recited Waterworks Acts the Sowerby Bridge Local Board Act 1863 or any agreement or agreements heretofore made thereunder the price for water supplied by the Corporation to the local boards for the districts of Brighouse Elland Greetland and Sowerby Bridge respectively and the Rastrick Waterworks Company respectively shall from and after the passing of this Act be a fixed charge of fivepence per one thousand gallons.

Terms of supply to Brighouse Elland Greetland &c.

28. Notwithstanding anything in this Act or in the recited Waterworks Acts or any contract or obligation made thereunder for the supply of water outside the borough other than contracts or obligations with Henry Savile or his successors in title existing at the passing of this Act pursuant to the Act of 1870 the Corporation shall not supply any water either inside or outside the borough for other than domestic purposes if the delivery would prevent the Corporation from furnishing a full supply for domestic purposes to all persons within the limits of supply.

Limiting supply of water in bulk.

29. The provisions of the Highways and Locomotives Amendment Act 1878 with regard to extraordinary traffic shall apply to any road or street repairable *ratione tenuræ* within the township of Heptonstall in the said parish of Halifax and the person liable to repair any such road or street *ratione tenuræ* shall be deemed to be for this purpose the highway authority which is liable or has undertaken to repair such road or street.

Application of provisions of Highways and Locomotives Amendment Act 1878.

30. Section 18 (for the protection of Messrs. Worrall) of the Act of 1868 shall so far as the provisions of that section are applicable to the works by this Act authorised extend and apply to such works as if that section were re-enacted in this Act.

For protection of Messrs. Worrall.

A.D. 1888.

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Saving for
Calder and
Hebble
Navigation
Company.

31. Section 24 of the Act of 1870 shall not be deemed or construed to prevent the Company of Proprietors of the Calder and Hebble Navigation their lessees and assigns from taking water from the Hebble Brook for the supply of their branch canal running parallel with the Hebble Brook above Salterhebble Bridge upon general holidays Sundays and such times as the mills factories and dyeworks situate upon the said brook are not at work but the said Company of Proprietors of the said Calder and Hebble Navigation their lessees and assigns may by syphon or pump or otherwise take water from the Hebble Brook for the supply of such branch canal upon general holidays Sundays and such times as the mills factories and dyeworks upon the said brook are not at work Provided that such water shall not be so taken by the said company whenever in the opinion of the Corporation it is expedient on sanitary or other reasonable grounds that such right to take water shall temporarily or permanently cease.

Limiting
powers of
Corporation
to borrow
under Act
of 1876.

32. Whereas by section 49 of the Act of 1876 the Corporation are authorised to borrow three hundred thousand pounds for waterworks purposes And whereas the Corporation have raised and borrowed one hundred and eighteen thousand pounds for such purposes and have incurred or will incur the further expenditure of twenty-five thousand pounds for like purposes under the said last-mentioned Act which said sums make together one hundred and forty-three thousand pounds Be it enacted that subject to the borrowing of the said sum of one hundred and forty-three thousand pounds the Corporation shall not borrow after the passing of this Act any money for waterworks purposes under the said section of the Act of 1876.

Power to
borrow.

33.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money not exceeding in the whole the sum of one hundred and eighty thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for the execution of the works authorised by this Act or the extension or improvement of their waterworks and for that purpose may mortgage or charge the borough fund and borough rate and the revenue of their water undertaking or either of those securities.

(2.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(3.) The Corporation shall pay to the Local Government Board A.D. 1888.
any expenses incurred by that Board in relation to any inquiries
under this section including the expenses of any witnesses summoned
by the inspector holding the inquiry and a sum to be fixed by that
Board not exceeding three guineas a day for the services of such
inspector.

Provided always that as regards all rates to be laid for all or any
of the purposes of this Act the occupiers of any land used as a
railway constructed under the powers of any Act of Parliament for
public conveyance and of any land used as arable meadow or pasture
ground only or as woodlands market gardens or nursery grounds
and land covered with water or used only as a canal or towing-path
and the owners of any tithes or tithe commutation rentcharge shall
be assessed to such rates in respect of the same in the proportion of
one fourth part only of the net annual value thereof.

34. The Corporation may raise all or any sums of money which Mode of
raising
moneys.
they are authorised to borrow under this Act either by mortgage or
by the creation and issue of adequate amounts of Corporation stock
authorised by the Halifax Corporation Act 1882 and all such stock
issued after the commencement of this Act under any of the powers
aforesaid shall be declared by the resolution creating such stock to
be redeemable.

35. The following sections of the Public Health Act 1875 shall Provisions of
Public
Health Act
as to mort-
gages to
apply.
extend and apply to mortgages granted under this Act (that is to
say) :—
Section 236. Form of mortgage.
Section 237. Register of mortgages.
Section 238. Transfer of mortgages.
Section 239. Receiver may be appointed in certain cases.

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

As to moneys borrowed for the payment of the costs charges and
expenses preliminary to and of and incidental to the preparing
applying for obtaining and passing this Act within twenty years
from the date of the borrowing of the same.

As to moneys borrowed for waterworks purposes within the limit
of one hundred and eighty thousand pounds within sixty years
from the date or dates of the borrowing of the same respec-
tively.

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

A.D. 1888.

Mode of re-
payment of
moneys bor-
rowed on
mortgage.

37. All moneys borrowed by the Corporation on mortgage under this Act shall be paid off by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund created invested and applied in manner provided by the Local Loans Act 1875 and section 15 of that Act shall apply accordingly Provided that any moneys for the time being standing to the credit of any sinking fund created in pursuance of this section may be invested upon any statutory security as defined by the Halifax Corporation Act 1882 other than statutory securities of the Corporation.

Power to
re-borrow.

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

Protection of
lender from
inquiry.

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

As to moneys
raised by
stock.

40. In the event of the Corporation raising any sum of money which they are authorised to borrow under this Act by the creation and issue of Halifax Corporation Stock under the Halifax Corporation Act 1882 the amount of the annual sums payable to the Corporation loans fund under the said Act towards the redemption of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations will suffice to redeem at par such stock on the expiration of the prescribed periods from the date or dates of the borrowing of the same respectively :

The half-yearly annual or other sums payable to the Corporation loans fund under the Halifax Corporation Act 1882 for payment of dividends on and for making a provision towards redemption of such stock shall be payable in the case of stock created under this Act for the purpose of executing the works authorised by this Act out of the revenue of the water undertaking of the Corporation or out of the borough fund and borough rate.

Application
of money
borrowed.

41. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

42. The accountant shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the accountant shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

A.D. 1888.
Annual
return to
Local
Government
Board with
respect to
sinking fund.

43. In the event of the Corporation borrowing on mortgage the whole or any part of the money authorised to be raised by this Act nothing in this Act relating to any such mortgage shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Saving for
existing
charges.

44. Nothing in this Act contained shall affect the rights of Sir John Savile or his successors in title under the Acts of 1868 1870

Saving rights
of Sir John
Savile.

A.D. 1888. and 1876 or any agreement made in pursuance of those Acts or any
— of them.

Costs of Act. **45.** All the costs charges and expenses preliminary to and of
and incidental to the preparing applying for and obtaining this Act as
taxed by the taxing officer of the House of Lords or of the House of
Commons shall be paid by the Corporation out of the borough fund
and borough rate or out of moneys borrowed under the provisions of
this Act.

The SCHEDULE referred to in the foregoing Act.

A.D. 1888.

ARTICLES OF AGREEMENT made the twenty-sixth day of October one thousand eight hundred and sixty-eight between the mayor aldermen and burgesses of the borough of Halifax (herein designated as the Corporation) of the one part and the Hebden Bridge Local Board (herein-after designated the Local Board) of the other part.

WHEREAS the Corporation introduced into Parliament in the session 1867-8 a Bill entitled a Bill to enable the mayor aldermen and burgesses of the borough of Halifax to construct new works in extension of their waterworks to extend the limits of supply to acquire the Manufacturer's Hall to improve the borough of Halifax and for other purposes And whereas the said Bill proposed to include within the extended limits of water supply the district of the Hebden Bridge Local Board And whereas during the passage of the said Bill through Parliament an agreement in writing was made and entered into between the said Corporation of the one part and the said Local Board of the other part dated the thirteenth day of May one thousand eight hundred and sixty-eight a copy whereof with the memorandum endorsed thereon is hereunder written and forms the schedule to this agreement And whereas the said Bill became an Act of Parliament on the thirteenth day of July one thousand eight hundred and sixty-eight the short title whereof is the Halifax Corporation Waterworks and Improvement Act 1868 And whereas by section 29 of that Act the Corporation and the local boards within the area of water supply are empowered to enter into confirm and execute agreements respectively respecting water supply to those districts and the mode of delivering such supply And whereas the said Local Board has applied to and requested the Corporation to confirm the said recited agreement which they have agreed to do in manner following Now these presents witness that in pursuance of the premises they the said Corporation and the said Local Board do and each of them doth hereby confirm the aforesaid recited agreement as set forth in the schedule hereunder written and do and each of them doth hereby covenant promise and agree to and with the other of them that they the said Corporation and the said Local Board respectively and their respective successors shall and will at all times hereafter make do perform and pay all such works matters and things sum and sums of money as may be necessary on their respective parts to be made done or performed or paid as fully and effectually as if the said agreement set forth in the schedule was embodied in these presents and formed part thereof.

In witness whereof the said Corporation and the said Local Board have hereunto affixed their respective common seals the day and year first above written.

A.D. 1888.

The SCHEDULE above referred to.

ARTICLES OF AGREEMENT made the thirteenth day of May one thousand eight hundred and sixty-eight between the mayor aldermen and burgesses of the borough of Halifax (herein designated as the Corporation) of the one part and the Hebden Bridge Local Board (herein-after designated the Local Board) of the other part.

WHEREAS the Corporation have introduced into Parliament in this present Session "A Bill to enable the mayor aldermen and burgesses of the borough of Halifax to construct new works in extension of their waterworks to extend the limits of supply to acquire the Manufacturers Hall to improve the borough of Halifax and for other purposes" whereby (amongst other things) they seek to include within the extended limits of water supply the district of the Hebden Bridge Local Board which district is made up of parts of the several townships of Heptonstall Sowerby Erringden Stansfield and Wadsworth in the parish of Halifax And whereas the Local Board were prepared to oppose the said Bill but they have agreed to withdraw such opposition upon the terms herein-after mentioned Now therefore these presents witness that in consideration of the Local Board withdrawing the opposition to the said Bill and of the terms herein-after contained it is mutually agreed and declared between the Corporation and the said Local Board as follows (that is to say):—

1. The extended limits of water supply under the said Bill shall inter alia include the district of the Hebden Bridge Local Board.

2. From and after the passing of the said Bill into law the Local Board may (notwithstanding that their said district is included within the limits of supply &c. so long as they are able and willing to do so) obtain water within the area of their present district for the supply of the inhabitants within that district without any hindrance by the Corporation.

3. If and when the Local Board shall require water from the Corporation for the use of their district due notice thereof shall be given to the Corporation under the hand of the clerk of the Local Board and the Local Board shall thenceforth purchase water in bulk from the Corporation who shall thereafter supply the same for all such purposes as aforesaid from the point where the proposed conduit for conveying water from Walshaw into the Luddenden Valley crosses the Hebden Bridge and Keighley Turnpike Road and herein-after called "the point of supply."

4. The limits of water supply by the Local Board being confined to their own district the Local Board may for the purpose of such supply extend their present district so as to enable them to distribute by gravitation water within that district from the said point of supply.

5. The Local Board shall pay to the Corporation for such water supply such price per one thousand gallons as shall not exceed the lowest price per one thousand gallons for the time being charged to the largest consumer within the borough for water supply in bulk by the Corporation but such price in no case shall exceed sixpence per one thousand gallons provided that the Local Board shall not be entitled to require such supply of water until after the Corporation shall have commenced to deliver water from the intended works as described in the said Bill into the town of Halifax.

6. All water which may be supplied as aforesaid shall be measured by an approved stationary meter and meter house to be provided fixed and maintained

by the Corporation at the said point of supply and the Local Board shall pay to the Corporation interest after the rate of six pounds per centum per annum upon such cost together with the cost of maintenance and local rates chargeable thereon. Provided always that the Local Board shall if they so think fit repay to the Corporation the cost of the meter and erection and afterwards maintain the said meter at their own cost and expense under the joint control of the Corporation and the said Local Board. A.D. 1888.

7. If the Local Board shall desire that the meter be fixed lower down than the said point of supply and nearer to the present boundary of their district the same shall be so fixed and the Corporation shall provide and lay down the pipes and mains in connexion therewith from the said point of supply to the boundary of the district and the Local Board shall repay to the Corporation the cost of such works over and above the annual charge upon the said meter and the said local rates (if any) from the said point of supply.

8. The Corporation shall not be required to maintain any main or service pipe below the point of supply but in case of any outlay by the Corporation in relation thereto the Local Board shall repay the amount to the Corporation.

9. That in consideration of the third article the Corporation shall forego their right to distribute water within the district of the Local Board and so far as the acquiescence of the Corporation will enable them the Local Board shall have the sole management control and government of the distribution mains and apparatus within their district.

10. The Local Board shall give to the Corporation three months notice of their intention to carry out this agreement and at the same time shall state the quantity of water which the Corporation shall be bound to supply to such Local Board for the then ensuing year immediately after the expiration of such notice and from and after the time when the Corporation shall have commenced such supply the Local Board shall before the end of the then current and every subsequent year fix the maximum and minimum quantity of water which the Corporation shall be bound to supply weekly in the then subsequent year such minimum quantity being not less than the one third of the maximum and the Corporation shall not be bound to supply in any one week more than the fixed quantity but if and when at the requirement of the Local Board they do so the excess shall be paid for at the same rate.

11. The sums of money which may from time to time become payable by the Local Board to the Corporation under this agreement shall be considered as becoming due by the Local Board to the Corporation by four quarterly payments in every year namely on the first day of January the first day of April the first day of July and the first day of October in each year and if such sums are not duly paid the same may be recovered by the Corporation from the Local Board in any court of competent jurisdiction.

12. The Corporation will cause provisions to be inserted in their said Bill now before Parliament to enable them to carry into effect the terms of this agreement but should the said Bill not become law during this present session of Parliament then this agreement shall become null and void. In witness whereof the Corporation and the Local Board have hereunto affixed their respective common seals the day and year first above written.

THOMAS SHAW,
Mayor.

L.S.

[Ch. xliv.] *Halifax Corporation Waterworks* [51 & 52 VICT.]
Act, 1888.

A.D. 1888. — The corporate common seal of the borough of Halifax and the signature of Thomas Shaw Esquire mayor of the said borough were respectively affixed hereto in the presence of

JOSEPH ALLEN,
Clerk of Committees of the Council.

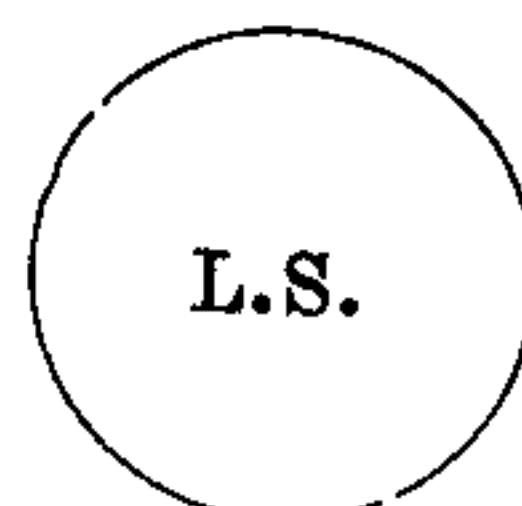
Memorandum that the within written agreement shall receive confirmation by the council at the first or next subsequent meeting thereof and that the word "confirm" introduced into the 29th section of the within-mentioned Act as presented to the House of Lords was introduced for this purpose and I hereby undertake to obtain such confirmation according.

J. E. NORRIS,
Solicitor to the Bill.

THOMAS SHAW,
Mayor.

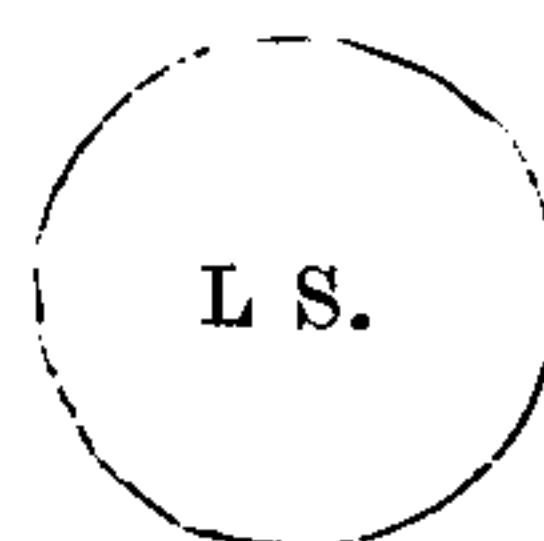
H. W. HORSFALL,
Chairman.

The corporate common seal of the Local Board
for the district of Hebden Bridge and the
signature of Henry William Horsfall Esquire
the chairman of the said Local Board were
respectively affixed in the presence of - - }



FRAS. JUBB,
Clerk of the said Local Board.

The corporate common seal of the borough of
Halifax and the signature of Thomas Shaw
Esquire mayor of the said borough were
respectively affixed hereto in the presence of }



J. E. NORRIS,
Town Clerk.

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