CHAPTER ccxxxi.

An Act for enabling the Mayor Aldermen and Burgesses of the Borough of Bradford in the West Riding of the County of York to construct and maintain additional Waterworks and for other purposes connected therewith. A.D. 1890.

[14th August 1890.]

WHEREAS by the Bradford Waterworks Act 1854 the Bradford Corporation Waterworks Act 1854 the Bradford Improvement Act 1850 the Bradford Corporation Waterworks Amendment Act 1855 the Bradford Corporation Waterworks Act 1858 the Bradford Waterworks Act 1862 the Bradford Waterworks and Improvement Act 1868 the Bradford Waterworks Act 1869 the Bradford Improvement Act 1873 the Bradford Waterworks and Improvement Act 1875 the Bradford Water and Improvement Act 1878 the Bradford Water and Improvement Act 1881 and the Bradford Waterworks and Improvement Act 1885 (herein-after called "the recited Acts") the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") are the owners of extensive works for collecting and impounding water and for supplying the same for domestic manufacturing and trade purposes in the borough of Bradford (herein-after called "the borough") and a large surrounding district and comprising a large population for which purposes the Corporation have been empowered to borrow money to the total amount of two million six hundred and thirty-one thousand nine hundred pounds but a considerable sum has been paid off leaving now due the sum of two million fifty-two thousand and eighty-three pounds or thereabouts:

And whereas in consequence of the growth of trade and population within the said borough and the above-named district the water supply of the Corporation has become insufficient for public requirements:

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And whereas it is expedient that the Corporation be empowered to construct additional waterworks and to lay down additional conduits mains and pipes:

And whereas the construction of the works numbers 2 to 7 in the Bradford Waterworks and Improvement Act 1885 would be insufficient to meet the requirements of the Corporation and it is expedient that the same should be abandoned:

And whereas the moneys authorised by the recited Acts for waterworks purposes are not sufficient and it is expedient that the Corporation should be enabled to raise further moneys for waterworks purposes:

And whereas plans and sections of the intended works aforesaid showing the lines and levels thereof and plans showing the lands which are intended to be purchased and taken for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been deposited with the clerk of the peace for the said west riding of the county of York which plans and sections and book of reference are hereinafter referred to respectively as the deposited plans sections and book of reference:

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

And whereas estimates have been prepared by the Corporation for the purchase of lands and for the execution of the works hereinafter mentioned and such estimates amount to the sum of one million two hundred and thirty thousand pounds:

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

And whereas the Corporation forthwith after the council meeting at which the application to Parliament for this Act was agreed on did in pursuance of section thirty-seven of the Bradford Waterworks and Improvement Act 1868 publish a notice of such intended application as required by the Bradford Improvement Act 1850 and no remonstrance against such application has been presented to the Corporation:

And whereas it is expedient that future applications by the Corporation to Parliament should be made under the general law and that section thirty-seven aforesaid should be repealed:

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) :— A.D. 1890.

Preliminary.

Title of Act.

1. This Act may be cited as the Bradford Corporation Waterworks Act 1890.

Incorporation of Acts.

2. The Lands Clauses Acts the Waterworks Clauses Act 1847 as altered by section fifty-seven of the Public Health Act 1875 and except the provisions thereof 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 shall (except where expressly varied by this Act or inconsistent therewith) be incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the Acts incorporated herewith the expression "the undertakers" or "promoters of the undertaking" shall mean the Corporation :

In this Act the word "borough" shall mean the county borough of Bradford The words "town clerk" shall mean the town clerk of the borough for the time being The words "borough fund" and "borough rate" shall mean the borough fund and borough rate of the borough as regulated by the Municipal Corporations Act 1882 The expression "court of competent jurisdiction" shall be read and have the same effect as if any debt or demand sought to be recovered were a simple contract debt The expression "riparian proprietor" shall mean every millowner person company local or public authority using or entitled to use the waters of the River Nidd along the course of such river The term "river" shall mean the River Nidd in the said west riding The expression "millowners" shall mean the owners lessees or occupiers of any mills works or manufactories along the course of such river below the embankment of the reservoir herein-after described as Work No. 1 The expression "clerk of the peace" shall include the clerk of the county council.

Mode of execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the town council (herein called "the council") and according to the Municipal Corporations Act 1882 and all other Acts for the time being affecting the Corporation as a municipal body and a sanitary authority respectively and with all the same

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rights powers duties privileges exemptions and authorities respecting matters arising in connexion with this Act as are conferred or imposed by those Acts respectively on the Corporation and on the council.

Repeal of section thirty-seven of the Act of 1868.

5. Section thirty-seven of the Bradford Waterworks and Improvement Act 1868 is hereby repealed.

Authentication of notices.

6. Any information summons demand notice or document to be laid served given made or executed by or on the part of the Corporation under this Act shall be sufficient if signed by the town clerk and may be in writing or print or partly in writing and partly in print.

WATERWORKS POWERS.

Power to acquire lands and easements.

7. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands described in the deposited plans and book of reference or any of them.

Corporation may acquire easements only in certain lands.

8. The Corporation may in lieu of acquiring any lands for the purpose of any aqueducts conduits or pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works save when they are being examined altered

or amended by the Corporation have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

Power to take waters.

9. The Corporation may subject to the provisions herein contained enter upon take divert impound and use the waters of the River Nidd above the embankment of the reservoir herein-after described as Work No. 1 at the point or place known as Foul Hole on the boundary of the townships of Stone Beck Down and Fountains Earth in the parish of Kirkby Malzeard in the west riding of the county of York and the springs rivulets streams and other waters which naturally flow into or may be capable of being made to flow in or into the works herein-after described as Works Nos. 1 2 3 4 and 5 or any of them including the streams waters and tributaries of the said river called or known as Woo Gill Twizling Gill Tops Gill Trows Beck Stand Sike Shaw Gill Sike Shaw Gill How Gill Wench Gill Crook Dike Long Hill Sike Craven Sike Nidd Head Spring Black Fell Spring Straight Dike Stone Beck Wising Gill Sike Haw Gill Sike Maiden Gill Beck East Gill Dike Blowing Gill Dike West Gill Dike Skitter Gill Dike Red Scar Dike Great Cross Gill Beck Little Cross Gill Beck Hagga Sike Scar House Gill Maddering Gill Foggyshaw Gill Limley Gill How Gill Intake Gill Ruscoe Beck Armathwaite Gill Clack Gill Beck How Stone Beck Buskar Beck Aygill Beck Staining Gill Beck West Dike Great Blowing Gill Beck Sandy Sikes Gill Little Blowing Gill Beck Bain Grain Beck Straight Stone Beck Gun Hill Dike Near Land Gutter Rotten Heath Wham Far Land Gutter Friar Hood Gill Howstone Gill South Gill Cross Gill Backstone Gill Straight of Backstone Gill Calcide Dike Meupher Dike Wising Gill Stone Beck Whit Beck Blayshaw Gill Green Sike West Gill Green Grooves Gill Blashaw Gill Near Piece Gill High Close Gill Bents Bottom Dike Rakes Gill Ramsgill Beck Hush Gill Washfold Gill North Grain Little Gill Cross Gill Sandy Dike Rigg Gill Knott Gill Colt House Gill Swine Beck Low Black Dike High Black Dike Riddings Gill Stubnooks Gill Sweet Close Gill Burn Gill Burn Grain Thornet Gill Turnacar Gill Mere Dike Rough Close Gill Backstone Gill Lul Beck Sypeland Gill and Byer Beck Gill and any other stream or spring flowing into the River Nidd above Foul Hole aforesaid The Corporation shall also be at liberty to convey into the Works Nos. 5 6 7 8 9 10 and 11 herein-after described as occasion may require and to use in connexion with the works hereby authorised all or part of the flow of the several

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springs streams rivulets and other waters at present taken and authorised to be taken and used by the Corporation in connexion with other parts of their waterworks as now existing.

Power to construct works.

10. Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments puddle trenches bridges roads approaches ways wells tanks basins gauges filter beds stand-pipes syphons dams sluices waste-weirs bye-channels waste watercourses outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones and other means of electric communications engines constructions apparatus and conveniences connected with or ancillary to the said works or any of them or necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections comprise the following principal works (that is to say):—

Work No. 1.

A reservoir for the storage of water and for compensating the millowners and riparian proprietors on the River Nidd such reservoir to be situate at or near Gouthwaite Hall and Ramsgill partly in the township of Stone Beck Down and partly in the township of Fountains Earth and wholly in the parish of Kirkby Malzeard and the west riding of the county of York:

Work No. 2.

A reservoir for the storage supply and distribution of water by the Corporation situated at or near Angram on the River Nidd wholly in the township of Stone Beck Up in the parish of Kirkby Malzeard in the said west riding:

Work No. 3.

A reservoir for the like storage supply and distribution of water by the Corporation situated at or near Haden Carr on the River Nidd wholly in the township of Stone Beck Up in the parish of Kirkby Malzeard in the said west riding:

Work No. 4.

A reservoir for the like storage supply and distribution of water by the Corporation situated at or near Woodale on the River Nidd wholly in the township of Stone Beck Up in the parish of Kirkby Malzeard in the said west riding:

Work No. 5.

An aqueduct conduit or line of pipes commencing on the River Nidd at a point in the township of Stone Beck Up in the parish of Kirkby Malzeard in the said west riding above the bridge which carries the public highway over the said river at or near the farmhouse known as or called Low Woodale and terminating in the existing Chelker Reservoir of the Corporation in the township of Draughton and parish of Skipton in the said west riding:

Work No. 6.

The alteration extension removal and reconstruction of the south-easterly embankment of and the enlargement of the existing Chelker Reservoir of the Corporation in the townships of Draughton and Addingham in the parishes of Skipton and Addingham in the said west riding The said Work No. 6 will be so constructed as to raise the existing extreme top-water level of the said Chelker Reservoir to an extent not exceeding two feet:

Work No. 7.

An aqueduct conduit or line of pipes commencing in the said Chelker Reservoir and terminating in the reservoir Work No. 8 next herein-after described in the township of Morton in the parish of Bingley in the said west riding:

Work No. 8.

A reservoir for the storage supply and distribution of water by the Corporation situate in the township of Morton in the parish of Bingley in the said west riding:

Work No. 9.

An aqueduct conduit or line of pipes commencing in the before-mentioned reservoir Work No. 8 and terminating in the principal basin of the existing Heaton Reservoir of the Corporation in the township of Heaton in the parish of Bradford in the said west riding:

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Work No. 10.

An aqueduct conduit or line of pipes situate in the hamlet of Brunthwaite in the township of Silsden in the parish of Kildwick in the said west riding commencing by a junction with the before-mentioned aqueduct conduit or line of pipes Work No. 7 one hundred and fifty yards or thereabouts in a south-westerly direction from the centre of the masonry weir of the existing residuum lodge of the Corporation on Holden Beck and terminating at a point on the said Holden Beck one hundred and fifty yards or thereabouts measured in an easterly direction from the centre of the masonry weir of the residuum lodge of the Corporation;

Work No. 11.

An aqueduct conduit or line of pipes situated in the townships of Bolton Abbey and Barden in the parish of Skipton in the said west riding commencing in the said township of Bolton Abbey by a junction with the before-mentioned aqueduct conduit or line of pipes Work No. 5 eight hundred and fifty yards or thereabouts measured in a south-easterly direction from the centre of the bridge which carries the public highway from Bolton Abbey to Barden Tower over Barden Beck and terminating in Barden Beck in the said township of Barden five hundred and fifty yards or thereabouts from the western extremity of the existing Barden Reservoir of the Corporation.

For protection of Cross Bank Delf.

11. In constructing the Work No. 7 the Corporation shall not compulsorily acquire more land in the field numbered 926 on the deposited plans than a strip eighteen feet in width for the length of such field along the line of conduit shown on such plans.

Plans to be open to inspection.

12. A copy of the deposited plans sections and book of reference respectively shall be kept by the town clerk who shall permit all persons to inspect the same at reasonable times and to make copies and extracts of and from the same respectively on payment by such person of one shilling for every inspection and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour and after the rate of sixpence for every one hundred words copied therefrom.

Certified copies of plans to be evidence.

13. Copies of the deposited plans sections and book of reference or of any alteration or correction thereof or extract therefrom certified to be correct by the town clerk or the clerk of the peace for the west riding of the county of York as the case may require

(which certificate such clerk of the peace and town clerk respectively shall give to all parties interested when required) shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

New waterworks to form part of waterworks undertaking of Corporation.

14. Subject to the provisions of this Act the waterworks so to be constructed under the authority of this Act 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 Acts.

Power to deviate.

15. Subject to the provisions of this Act the Corporation may in construction of the works herein-before described deviate laterally from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation on those plans and where the line of any work is shown upon those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Corporation may in making such works deviate laterally from the line thereof to any extent within the boundaries of such road but so as not to take or interfere with any other property abutting upon such road or adjoining thereto or any cellar under the footpaths thereof which are not shown on the deposited plans and described in the deposited book of reference and the Corporation may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections relating thereto to any extent not exceeding five feet Provided always that the Corporation shall not in exercise of the powers of lateral deviation hereby conferred upon them construct any embankment by this Act authorised of a greater maximum height above the general surface of the ground than the maximum height thereof shown on the deposited sections and three feet in addition.

Map of appropriated and compensation areas to be deposited.

16. A map signed by the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and whereon are distinguished (by red colour) the area of gathering ground the waters from which are to be appropriated by the Corporation described on such map as "the appropriated area" and (by blue colour) the area of gathering ground the waters from which are to be exclusively appropriated to the supply of the compensation reservoir described on the said map as "the compensation area" shall be deposited in triplicate as follows (that is to say) One copy thereof in the Parliament Office another copy thereof with the clerk of the peace for the west riding of the county of York and another copy thereof with the town clerk and such clerk

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of the peace and town clerk shall respectively permit any person to inspect the copies deposited with them within the usual office hours on payment of one shilling and a copy or copies thereof duly certified by the said clerk of the peace or town clerk shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Compensation reservoir to be managed by the board.

17. The reservoir being Work No. 1 for the storage of the waters flowing from the compensation area coloured blue on the said map which reservoir is to be called and known as the Gouthwaite Reservoir shall be subject to the management and control of a board of management to consist of the millowners on the River Nidd as also three riparian proprietors on the river to be appointed by the county council of the west riding of Yorkshire two persons to be appointed by the Corporation of York two persons to be appointed by the York New Waterworks Company and two persons to be appointed by the Knaresborough and Tentergate Improvement Commissioners the persons so appointed being removable by and vacancies filled by the body who appointed them Such board to be called the Gouthwaite Board of Management herein referred to as "the board."

Reservation of fishing and fowling to Thomas Edward Yorke and the lord of the manor of Ramsgill.

18. The rights of fishing fowling and sporting in and over the intended compensation reservoir to be called the Gouthwaite Reservoir are hereby reserved to Thomas Edward Yorke and his heirs and the lord of the manor of Ramsgill for the time being with liberty for them and their respective heirs to keep boats on the said reservoir and to erect two boat-houses at some convenient places on the bank of the said reservoir 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 said reservoir and shall not in anywise interfere with the rights powers and authorities of the Corporation at all times to draw off the water from the said reservoir and to do all such acts matters and things whatsoever as may be necessary for cleansing and repairing the said reservoir and works connected therewith and for preventing the waters thereof from being fouled or preventing the accumulation of fish to such an extent as to affect the quality of the water but sufficient water shall be allowed to remain in the reservoir to prevent the fish from being destroyed.

For the protection of the west riding county

19. In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county and main road bridges of the west riding of the county of York the following provisions for the protection of the county council of the

west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and Corporation (that is to say) :—

Agreement with council as to works in roads &c.

(1) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :

(2) The works shall be so executed as not in any way to impede or interfere with the traffic of any main road or county or main road bridge or any approaches thereto :

(3) The Corporation shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this Act authorised :

(4) If any difference arise between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

For protection of the local board of Shipley.

20. Nothing in this Act contained shall authorise or empower the Corporation to supply water either directly or indirectly in the township of Shipley without the consent of the local board for the said township.

For the protection of waterworks and highways in the township of Morton.

21. In the execution or maintenance of any of the works authorised by this Act the Corporation shall not take impound use affect or otherwise interfere with any springs streams or waters situate in the township of Morton from which the inhabitants of the village of East Morton in the township of Morton generally or any owner lessee or occupier of any dwelling-house office garden pleasure ground or farm building therein derive a supply of water for domestic sanitary or other purposes but so nevertheless that subject to the provisions of the recited Acts or any of them the Corporation shall and may at all times take and use all waters which are at

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present authorised to be taken by them under the recited Acts or any of them And in order to provide further protection to the inhabitants of the village of Morton and to the owners lessees and occupiers of any dwelling-houses offices gardens pleasure grounds and farm buildings in the said village the following enactment shall take effect:—

(1) The Corporation shall within the limits of deviation prescribed by this Act make and complete and at all times thereafter cleanse and maintain a conduit or conduits around the reservoir Work No. 8 authorised by this Act and as near thereto as practicable of a form level and capacity sufficient to collect all the springs streams and surface waters which can be intercepted thereby and convey the same into the present courses of such springs streams and surface waters and shall not at any time permit or suffer any of such springs streams or surface waters to flow into the last-mentioned reservoir:

(2) The surveyor of highways for the township of East and West Morton shall at all times have free access to the conduit or conduits which is or are to surround the said reservoir Work No. 8 authorised by this Act as aforesaid for the purpose of inspecting and examining the same and the means for such his access shall be provided by the Corporation:

Provided always that the Corporation shall interfere as little as practicable with any existing public or private roads in the construction and maintenance of the said Works 7 8 and 9 and shall during the period of each such interference with any public or private road provide and maintain a sufficient road in lieu thereof:

The provisions of the Highways and Locomotives (Amendment) Act 1878 with regard to extraordinary traffic shall apply to any road and street repairable ratione tenuræ situate in the township of Morton and the person upon whom the burden of repair rests shall be deemed to be for this purpose the highway authority and the person under whose control such road is placed.

For protection of the Leeds and Liverpool Canal Company.

22. For the protection of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (in this section called "the canal company") the following provisions shall have effect (to wit):—

(1) The aqueduct conduit or line of pipes Work No. 9 shall be carried under the canal towing-path works and lands of the canal company in the township of Shipley in the west riding of the county of York in the line and at the point of crossing shown on the deposited plans or at such other point within the

limits of deviation shown on the deposited plans as may be agreed upon between the canal company and the Corporation:

(2) In constructing the said aqueduct conduit or lines of pipes under the canal towing-path works and lands of the canal company the Corporation shall not otherwise than by agreement with the canal company deviate from the levels or mode of construction shown on the deposited sections:

(3) The Corporation shall not otherwise than by agreement purchase or take any land of the canal company but the Corporation may purchase and take and the canal company shall and may on such agreement sell and grant accordingly an easement or right of using the land required for the construction and maintenance of the said aqueduct conduit or line of pipes in accordance with this section:

(4) The aqueduct conduit or line of pipes and any other works to be made for the purpose of carrying the same under the canal towing-path works and lands of the canal company shall be constructed according to plans sections and specifications (showing fully the mode of construction and materials to be used and providing that the top of the aqueduct conduit or line of pipes shall be placed at such a level under the bed of the said canal as to leave a clear depth of not less than ten feet under the waterway thereof below the sill of the waste weir of the pool of the said canal across which such aqueduct conduit or line of pipes shall be constructed or laid) which shall be submitted for the approval of the engineer of the canal company not less than one month previous to the work being commenced and the same work shall not be commenced until the said engineer shall have approved thereof in writing under his hand Provided that if such engineer shall not have expressed his approval or disapproval of the said plans sections and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(5) The Corporation shall at their own expense maintain the said aqueduct conduit or line of pipes or other works in perfect repair at all times unless they abandon the said aqueduct conduit or line of pipes or the portion thereof which passes under the canal and in that case they shall (if required so to do by the canal company but not otherwise) remove or fill up to the satisfaction of the engineer of that company the said aqueduct conduit or line of pipes and other works at their own expense:

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(6) The Corporation shall make good all damage that may be occasioned to the works or property of the canal company by the construction renewal or want of repair of any of the Corporation works but—

(1) In every case of pressing necessity; and

(2) In every other case if for seven days after notice in writing thereof given to the Corporation by the canal company the Corporation neglect to proceed with due diligence to make good such damage;

the canal company may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Corporation:

(7) If and whenever by any act or omission of the Corporation any part of the canal or towing-path shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Corporation shall pay to the canal company as or by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day:

(8) Provided that nothing in this Act contained shall prevent the canal company or any owner of boats or barges from recovering from the Corporation (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the canal company or such owner in consequence of the stoppage or hindrance of the traffic upon the canal or in consequence of the works to be executed by the Corporation or by the canal company for the Corporation under the provisions herein-before contained or by reason of any water oozing or escaping from the canal or by reason of any subsidence caused by any work done by the Corporation or on account of any other act or omission of the Corporation:

(9) If and whenever any damages or other sums payable by the Corporation to the canal company or to such owner as aforesaid are not paid on demand made on the secretary or clerk of the Corporation the same may together with costs of suit be recovered against the Corporation in any court of competent jurisdiction:

(10) All questions and differences which may at any time arise between the Corporation and the canal company as to the construction or effect of subsections 1 2 3 4 or 5 of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected

therewith or consequent thereon shall be determined by an arbitrator to be appointed by the Corporation and the canal company or (if for fourteen days after the question or difference arises the said two parties do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of the said parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of the arbitration shall be in his discretion:

(11) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the canal company.

For protection of the Midland Railway Company.

23. In constructing and maintaining the works authorised by this Act where they will cross under or over the Midland Railway the Corporation shall be subject to the following conditions (namely):—

(1) All works crossing under or over or affecting the said railway shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(2) The Corporation shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing and maintaining therein the works by this Act authorised:

(3) The amount to be paid for the acquisition of such easement shall in the event of the company and Corporation not being able to agree thereon be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

For protection of millowners on the Wharfe and Dibb.

24. The following provisions shall apply and have effect for the protection of the owners lessees and occupiers of mills and works now erected or which may hereafter be erected on the River Wharfe below its confluence with the River Dibb (in this section referred to as "the millowners"):—

(1) Notwithstanding anything contained in this Act the Corporation shall not take or appropriate nor in any way interfere

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with or impair any springs rivulets streams or other waters within the drainage area of the River Wharfe or its tributary streams other than such waters as the Corporation are now authorised and empowered to take under the provisions of any existing Act of Parliament:

(2) The Corporation shall construct maintain and at all times keep so much of the aqueducts tunnels conduits lines of pipes or other works herein referred to as Work No. 5 as shall pass through or be situate within the drainage area aforesaid water-tight in all respects:

(3) It shall be lawful for the millowners by their surveyor or agent to examine and inspect so much of the said aqueduct tunnels conduits or lines of pipe being Work No. 5 aforesaid as shall be situate within the drainage area of the said River Wharfe or its tributary streams during the course of construction and also during any subsequent alteration thereof and for those purposes such surveyor or agent shall have free access to the said works at all reasonable times during such construction or alteration and the Corporation shall cause all reasonable facilities to be afforded to such surveyor or agent for those purposes:

(4) Whenever any alteration shall be made to the said aqueducts tunnels conduits or lines of pipe or any of them within the drainage area aforesaid reasonable notice thereof shall be given to the clerk to the millowners so that the millowners may have the opportunity of causing the same to be inspected and examined both during the execution and on the completion of such alteration.

For protection of Lord Hothfield.

25. The Corporation will construct their conduits through the land of the Right Honourable Lord Hothfield in such a way as to be water-tight and in constructing such conduits through Lord Hothfield's land no stream or spring of water found on Lord Hothfield's land is to be impounded but the same shall remain available for Lord Hothfield save and except such springs streams rivulets and other waters as are at present taken and authorised to be taken and used by the Corporation in connexion with other parts of their waterworks as now existing and as proposed by the said works numbered 7 and 10.

For the protection of the Duke of Devonshire K.G.

26. For the protection of the Most Noble William Duke of Devonshire K.G. his heirs and successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed

between the owner and the Corporation have effect (that is to say) :—

(A) With respect to any lands belonging to the owner which the Corporation are by this Act authorised to enter upon take and use for the purpose of any aqueducts conduits or pipes by this Act authorised the Corporation shall not except by agreement purchase and take the same but the Corporation may acquire and the owner shall sell and grant to the Corporation such easements or rights in such lands as shall be necessary for the purpose of constructing laying down maintaining cleansing and repairing such aqueducts conduits or pipes the Corporation paying compensation for such easements or rights to the owner and to the lessees and tenants of the lands such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easements or rights so to be acquired shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration or the summoning of a jury :

(B) (1) The Corporation shall not be entitled unless required to do so by the owner as herein-after provided to fence off or sever the lands of the owner in respect of which they acquire any easements or rights from the adjoining lands of the owner but the Corporation shall if required by the owner fence off or sever to the reasonable satisfaction of the owner any lands of the owner in respect of which they acquire rights or easements from the adjoining lands of the owner :

(2) The owner and his lessees and tenants for the time being shall at all times after the completion of the works have the right to use and cultivate the lands affected by such easements and rights and the owner and his lessees and tenants shall retain and possess the same rights of passing over such lands in which any easements or rights are acquired for all purposes of or connected with the use cultivation and enjoyment of the adjoining lands as if such easements or rights had not been acquired and such lands had not been used by the Corporation :

(C) The Corporation shall if and when required by the owner erect and for ever after maintain proper gates or stiles at the respective points where any such aqueducts conduits or pipes shall cross any fences or other divisions of property of the owner :

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(D) The Corporation shall to the reasonable satisfaction of the owner restore and make good the surface of the land of the owner in or under which any such aqueducts conduits or pipes are constructed laid down or placed and if the Corporation interfere with any drains in or under such lands they shall before such interference make new drains in lieu of and of equal capacity to the drains so interfered with with all proper and necessary outfalls or other works for the discharge of the drainage:

(E) (1) From and after the construction and laying down of any aqueducts conduits or pipes by this Act authorised in or through any of the lands of the owner the Corporation shall on the request of the owner from such aqueducts conduits or pipes furnish a supply of water for domestic purposes and for cattle and horses and for farm and other agricultural purposes to any of the farms belonging to the owner in or through any portion of which farms any such aqueducts conduits or pipes shall be constructed or laid down or adjacent or near thereto and to any cottages of the owner adjacent or near to the said aqueducts conduits or pipes and for the purposes of such supply the owner may from time to time lay down and maintain all necessary pipes to communicate with any of such aqueducts conduits or pipes of the Corporation and all such communications shall be made and maintained under the superintendence and to the reasonable satisfaction of the engineer of the Corporation the payment to be made for such water to be as may be agreed upon between the owner and the Corporation or such as failing agreement may be determined by the Local Government Board:

(2) If any of the works or operations of the Corporation shall destroy injure or interfere with any water or water supplies in or through the lands of the owner the Corporation shall from the aqueducts conduits or pipes by this Act authorised furnish free of charge to the owner and to the lessees and tenants of such lands a full and sufficient supply of water for domestic purposes and for cattle and horses and for farm and other agricultural purposes and the Corporation shall at their own cost lay down and maintain all such pipes conduits troughs cisterns taps and apparatus as may be requisite for furnishing and continuing such supply:

(F) (1) The aqueduct conduit or line of pipes (Work No. 5) by this Act authorised where the same is shown on the deposited

plans as crossing the River Wharfe shall be carried either under or over the river as the owner may require:

(2) In the event of the owner requiring it to be carried under the river it shall be so carried in such manner as he may require and all the works necessary for such purpose shall be made and for ever after maintained to his satisfaction:

(3) In the event of the owner requiring it to be carried over the river it shall be so carried by means of a bridge and such bridge shall be constructed in accordance with a design and of such materials as may be approved by the owner:

(G) On the completion of Work No. 5 the Corporation shall on request of the owner give free of charge a supply of water from the said work to the farm and buildings known as Hawpike Nos. 846 850 and 851 on the deposited plans in substitution of the present supply but the Corporation shall not be liable for any deficiency of supply during such time as the said Work No. 5 may be under repair:

(H) The Corporation shall in constructing and laying down any aqueducts conduits or pipes by this Act authorised in or through any lands of the owner effectually fence in all excavations from time to time made on the lands of the owner or make other effectual provision for preventing cattle sheep and other animals from falling into any such excavations and the Corporation shall from time to time remove any fences erected for the purpose aforesaid as and when such excavations are from time to time filled up and the surface of the land restored.

Constitution of the board of management.

27. In order that the waters of the compensation reservoir shall be used and applied as may be most beneficial the board shall regulate and control the user of the said reservoir and the waters to be collected therein The regulations for the government of such Board shall be as set forth in the schedule to this Act All the clauses and provisions contained in the said schedule shall have effect as if they had been enacted in the body of this Act All meetings of the board shall from time to time be held for purposes of this Act according to such clauses and provisions and anything to be done under this Act by the board shall be done at meetings so held.

The board may make and alter rules for regulating discharge of water from compensation reservoir.

28. The board may from time to time but subject as is hereinafter provided make and alter rules for regulating the discharge of water from the compensation reservoir.

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As to compensation reservoir.

29. The Corporation shall within the limits of deviation shown upon the deposited plans make and complete and at all times hereafter maintain in proper condition the said compensation reservoir (Work No. 1) to be called and known as the Gouthwaite Reservoir such reservoir to be capable of containing fifteen hundred and ten million gallons of water above the discharge pipe together with all suitable and convenient discharge pipes valves gauges residuum lodges weirs and other works and the Corporation shall not except with the consent in writing of the board or except for the purpose of filling the compensation reservoir for testing the same use divert or interfere with any of the springs streams or waters of the appropriated area unless and until the Corporation shall have made and completed such compensation reservoir and other works connected therewith and unless and until it be certified by two justices of the peace acting in and for the said west riding at a meeting of petty sessions that such compensation reservoir of the capacity aforesaid and other works connected therewith have been made and completed by the Corporation The Corporation before applying for such certificate shall give ten clear days notice in writing to the board of such intended application to the intent that the board may if they think fit appear and be heard thereupon before such justices of the peace.

On grant of certificate Corporation may take and use their waters.

30. On the granting of such certificate the Corporation shall subject to the provisions of this Act be at liberty to take impound and use the waters of the appropriated area.

When compensation reservoir completed town clerk to convene a meeting of the board to make rules.

31. After the compensation reservoir and other works connected therewith have been completed and certified as herein-before mentioned the town clerk shall forthwith convene a meeting of the board for the purpose of enabling them to make such rules as aforesaid.

Compensation reservoir to be full compensation.

32. If the Corporation construct and after the grant of the certificate aforesaid maintain the compensation reservoir of the capacity aforesaid and all and every other the works connected therewith in proper order and condition then the same shall be taken by every millowner and riparian proprietor as full compensation for the diversion and appropriation by the Corporation of the quantity of water by this Act authorised to be taken by them from the springs streams and waters arising and flowing within the appropriated area coloured red on the aforesaid map and for all the rights and interests of every millowner and riparian proprietor therein and thereto:

The Corporation shall not at any time take from the appropriated area a daily quantity of water exceeding seventeen million gallons:

At the point indicated on the deposited plan on Work No. 5 as twelve miles four furlongs and two chains or thereabouts the Corporation shall erect a gauge which shall limit the flow of water passing out of the Nidd Valley by the said work to a quantity not exceeding seventeen million gallons per day This gauge shall be open to the inspection of any person interested in the waters of the River Nidd And if there shall be any dispute with regard to the sufficiency or maintenance of the works to be made for limiting the discharge to the quantity above mentioned such disputes shall at the request of either party be determined by a hydraulic engineer to be appointed by the President for the time being of the Institute of Civil Engineers whose decision shall be final.

Corporation to make compensation for all damages consequent on the bursting of any reservoir.

33. The Corporation shall from time to time make full compensation to the millowners and to every other person for all damage and injury losses and expenses whatsoever (if any) which they respectively from time to time incur or suffer by reason of the bursting or giving way of any of the reservoirs conduits and embankments watercourses or other works by this Act authorised and such compensation shall be charged upon and be raised by and paid and satisfied out of the borough fund and borough rate of the borough.

The board may inspect compensation works.

34. The board by themselves and by their agents and servants and every officer appointed by the board shall at all times have free access to the said compensation reservoir and other works connected therewith including the gauge herein-after mentioned and the means for such access shall be obtained and secured for the persons entitled thereto under this Act by the Corporation.

Protection of the board.

35. The Corporation shall construct and maintain within two hundred yards from the foot of the embankment of the said compensation reservoir a gauge by means of which the quantity of water passing over such gauge can be ascertained The Corporation shall from time to time appoint a proper person as superintendent for the compensation reservoir with a competent salary to be paid by the Corporation for the protection and management of the same who shall at all times reside in a dwelling-house to be built or provided by the Corporation near to the said compensation reservoir and who shall draw up and put down and otherwise manage and regulate the cloughs sluices valves weirs gauges and other works and mete out the water from such reservoir so as to cause to pass

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over the said gauge in each day of twenty-four hours in a regular equal and continuous flow a minimum quantity of five million gallons of water so long as sufficient water remains in the reservoir And except as aforesaid shall comply with the rules for the discharge of water from the said compensation reservoir.

Compensation reservoir. Register to be kept.

36. A book or register shall be provided and kept by the Corporation at the house of the said superintendent in which shall be recorded the daily depth of the water in the said compensation reservoir and the daily flow or discharge therefrom and such book or register shall be open to the inspection of the board or of any party duly deputed by them or any of them at all reasonable times and on Monday in each week a certified copy or abstract of such register for the preceding week shall be delivered or forwarded by post in a letter to the secretary or clerk of the board or to such other person as they shall from time to time appoint.

Corporation may draw off water to enable them to repair or maintain compensation reservoir.

37. The Corporation may draw off the water from the compensation reservoir whenever it shall be necessary for the purpose of repairing cleansing or otherwise maintaining the same or any work connected therewith and shall use all convenient speed in completing their operations in that behalf :

Before drawing off such water the Corporation shall give fourteen days notice of their intention so to do to the board who shall have power to fix any reasonable time or times when after such fourteen days it will be most convenient for such drawing off to be done If after commencing such drawing off the Corporation shall wilfully delay the completion thereof they shall make full compensation to the millowners and others for any loss or damage thereby sustained by them in consequence of such delay the amount whereof in case of dispute shall be determined by arbitration in manner provided by the said schedule.

As to mode of cleansing reservoirs and works.

38. The Corporation shall not in or during or after the cleansing or repairing of any of their reservoirs or works cast or permit or suffer to pass or be cast or washed into the river or into any stream or tributary thereof any mud or offensive matter or other deposit or materials contained in or taken out of or removed from any of the said reservoirs or works and they shall remove all such mud offensive matter and materials to some convenient place at a sufficient distance from the said reservoir and works to prevent the same from being washed into the said reservoirs or works or into the river streams or tributaries aforesaid.

Difference as to the repair or

39. If the Corporation and the board shall at any time differ in opinion as to the condition or maintenance of the said compensation

reservoir and other works connected therewith or any of them or as to the time or times for drawing off the water as aforesaid such disputes shall from time to time be settled by arbitration in manner provided by the said schedule.

maintenance of compensation reservoir to be settled by arbitration.

40. All rates assessments and impositions parochial or otherwise at any time imposed upon the said compensation reservoir and other works connected therewith or any of them or upon any dwelling-house provided for the residence of the superintendent of the compensation reservoir shall be borne by the Corporation who shall reimburse and indemnify the person who may be actually rated in respect thereof and the expenses attending or consequent on the rating or payment of rates.

Corporation to pay rates of compensation reservoir.

41. The Corporation shall not divert abstract or interfere with any spring stream or surface water arising or flowing within the compensation area or within or into or contained in the compensation reservoir so as to injure or prejudice the millowners or riparian proprietors or other bodies or persons represented on the board or to deprive them of the full benefit of the compensation intended to be provided for them by this Act.

Waters of compensation area not to be interfered with.

42. The expenses of the first meeting of the board for making rules and of one adjournment thereof (if there be such an adjournment) and the expenses of all other meetings convened by the town clerk for considering any alterations therein proposed by the Corporation shall be borne and paid by the Corporation.

Expenses of the board.

43. The board may sue and be sued in the name of their clerk as "A. B. Clerk to the Gouthwaite Board of Management."

Proceedings of the board.

44. The powers of the Corporation for the compulsory purchase or taking of lands under this Act shall not be exercised after the expiration of five years in respect of the said Works Nos. 1 5 6 and 7 and seven years in respect of the other works hereby authorised from the passing of this Act.

Limiting time for compulsory purchase of lands.

45. The Corporation may from time to time by agreement in addition to any lands which they are by this Act authorised to take by compulsion purchase and hold for the purposes of the waterworks by this Act authorised any land not exceeding in the whole one hundred acres And they may also for the purpose of protecting the reservoirs and the waters therein or intended to be collected therein from nuisance pollution or discolouration acquire by agreement and hold either permanently or temporarily any other lands situate within the drainage area of the River Nidd or of the tributaries above the points or levels at which the said river or its

Power to purchase additional lands by agreement.

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tributaries respectively will be taken or intercepted under the provisions of this Act and in respect of any lands acquired by the Corporation under the authority of this Act the Corporation for the purpose aforesaid shall have and may exercise the rights and powers of riparian owners and such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 or of the recited Waterworks Acts Provided always that the Corporation shall not create or permit any nuisance on any such lands and shall not erect or authorise or permit the erection on any such lands of any buildings other than buildings connected with or necessary for their waterworks or for the convenient use and occupation of the said lands.

Owners may sell easements.

46. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement or right to take water in which other than the parties to the agreement have an interest) 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 rent-charges 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.

Agreements with land-owners as to drainage.

47. Subject to the provisions of this Act the Corporation may enter into any agreements with any owner lessee or occupier of any lands or hereditaments within the drainage area of the water to be taken into the above-named reservoirs or any of them or adjacent to any aqueduct conduit or line of pipes hereby authorised who are authorised or empowered to make drains for the improvement of the same for the purpose of draining such lands or hereditaments or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or derivatively into such reservoir or aqueduct in such manner and to such extent as such owner lessee or occupier and the Corporation may agree and the Corporation may apply to the purposes of this section any part of the moneys raised by them under the authority of this Act.

Diversion of existing roads.

48. The Corporation may stop up alter and divert any highways roads and footpaths shown on the deposited plans as intended to be stopped up altered or diverted and in lieu thereof shall and may construct other highways roads and footpaths as shown on the deposited plans and sections But no such highway road or foot-

path shall be stopped until the substituted way is completed to the satisfaction of two justices and opened to the public.

Maintenance of road diversions.

49. Every diversion of highway road or footpath authorised by this Act shall be maintained by and at the cost of the Corporation for one year after the completion of the same respectively of which completion and maintenance for such period a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and on the expiration of the aforesaid period of one year such diverted highway road or footpath shall become and the same shall thenceforth be part of the public highways roads or footpaths of the county parish or district in which the same respectively are situate and shall be repairable as such accordingly.

Protection of landowners in respect of water for agricultural and domestic purposes.

50. If on the completion of the waterworks hereby authorised there shall not remain or flow to and through any lands situate below the said works or any of them which are now watered by any rivulet running through the same such a quantity of water as may be necessary for the domestic and agricultural purposes of any occupier of such lands other than irrigation the Corporation shall whenever it may be practicable so to do furnish from time to time and at all times so much water as may be necessary for such purposes free from all rates costs and charges in respect of such water and shall lay down at their own cost all such pipes conduits troughs cisterns taps and apparatus as may be requisite for conveying and continuing the same And in case it shall not be practicable then the Corporation shall pay to the owners and occupiers of such lands full compensation for the loss and injury they may respectively sustain by reason of the diversion of such water.

Provisions of recited Acts as to waterworks to extend to this Act.

51. Such of the powers and provisions of the recited Acts relating to the construction of waterworks and the taking and user of land for the purposes thereof the supply of water by the Corporation the protection of the waters and waterworks of the Corporation the prevention of waste misuse or contamination of water the dealing summarily with persons wrongfully wasting or improperly taking water the laying down of main pipes apparatus and works for supplying water within the Corporation limits of supply and the application of such penalties as are in force at the passing of this Act and are not repealed or varied by this Act shall extend and apply to this Act and to the waterworks by this Act authorised and the supply of water therefrom as if they were waterworks by the recited Acts respectively authorised to be executed.

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Restrictions on displacing persons of labouring class.

52. (1) The Corporation shall not under the powers by this Act granted purchase or acquire ten or more houses in any parish which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modification in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit:

(4) The provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court:

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the

persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty:

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire:

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section seventy-two of the Local Government Act 1888) or any other general Act:

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit:

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and 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:

(9) 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

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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.

As to water supply to local authorities within the jurisdiction of the west riding county council.

53. Subject to the provisions in this Act contained for the protection of any other corporation authority or company the Corporation shall as soon as they are by means of works by this Act authorised in a position to supply water within their district supply in bulk in any of the townships parishes or places in or through which the said works numbered 5 7 and 9 will pass not being within the present district of supply of the Corporation to the Knaresborough and Tentergate Improvement Commissioners and to any urban or rural sanitary authority or any joint committee of any two or more urban or rural sanitary authorities or any company supplying water under the powers of any Act of Parliament or Provisional Order (herein-after referred to as "the authority") demanding the same such daily quantity of water as such authority may from time to time require and agree thereafter to take from and out of the said works numbered 5 7 and 9 in consideration unless otherwise agreed of an annual payment equal to four per centum upon such proportion of the total capital from time to time expended as the daily quantity of water demanded by such authority may from time to time bear to the total daily quantity of water which the works so constructed are from time to time capable of conveying from the Nidd Valley into the water supply district of the Corporation together with a proportion of the gross sum of four thousand pounds a year calculated in like manner as an additional sum by way of contribution to the necessary costs of maintenance and management:

The capital upon which the before-mentioned per-centage shall be calculated shall include the actual expenditure of the Corporation in obtaining this Act and in the purchase of lands and easements and in or in connexion with the construction of works shown on the deposited plans and also interest with annual rests at four pounds per centum per annum on capital expended until the works upon which the same has been expended are made use of for the supply of water:

The amount of such capital shall in case of difference between the parties be settled and determined by the Local Government Board

Provided always that the borough of Bradford and the present district or districts of supply of the Corporation shall at all times

have a prior right of supply of not exceeding from the Nidd Valley and the existing works in the Wharfe Aire and Worth Valleys at Barden Chelker Hewenden Stubden and Thornton Moor together twenty-five gallons per head per day of the population in such borough and district or districts of supply:

Provided also that no authority shall be entitled to any such supply without having given at least two years notice of the date when such supply will be required and that no authority having obtained a supply under this section shall be entitled to require any further quantity until the expiration of five years from the time of any such supply and without giving such notice as aforesaid:

Provided further that nothing in this Act contained shall extend the powers of any authority to construct waterworks within the limits of supply of any company empowered by Act of Parliament or by order confirmed by Act of Parliament to supply water:

Provided also that no authority shall make any such demand without having previously obtained the approval of the Local Government Board and that no authority shall have the right to demand more water from the Corporation than will together with their existing means of supply give twenty-five gallons per head a day of the population which such authority is authorised to supply including a reasonable quantity for the prospective increase of population the same to be determined in case of difference by the Local Government Board and the costs of such determination shall be paid by the parties as the Local Government Board shall direct:

The Corporation and any authority which would be entitled under this section to demand a supply of water in bulk may with the sanction of the Local Government Board enter into contracts under their respective corporate seals with reference to the supply of water in bulk to such authority and the same shall have full force and effect.

Abandonment of certain powers comprised in Act of 1885.

54. The powers granted to the Corporation by the Bradford Waterworks and Improvement Act 1885 so far as relates to the construction of the waterworks authorised by such Act save and except as to the Work No. 1 relating to the Shady Bank Reservoir are hereby abandoned:

The said Act shall continue in full force as to the last-mentioned work The powers for making and maintaining the waterworks numbered two to seven inclusive in the said Act of 1885 shall cease and be determined The borrowing powers of the Corporation under the authority of the said Act with respect to the said last-mentioned works to the extent of two hundred thousand pounds are hereby cancelled.

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Consent of Treasury not to be dispensed with.

55. Where the consent of the Commissioners of Her Majesty's Treasury or of the Local Government Board would if this Act had not passed have been required for the sale mortgage or alienation of any land belonging to the Corporation nothing in this Act shall dispense with such consent.

FINANCIAL MATTERS.

Power to raise additional moneys.

56. In addition to the moneys which the Corporation are already authorised to borrow the Corporation may from time to time borrow for the purposes of this Act on the security of the borough fund and borough rate the further sum of one million two hundred and thirty thousand pounds for the purpose of waterworks All moneys borrowed under the powers of this Act shall be applied only to the purposes for which they are authorised to be raised and to which capital is properly applicable.

Borrowing and other powers.

57. The several powers and provisions of the recited Acts now in force in the borough with respect to the borrowing of moneys at interest by the Corporation the re-borrowing of moneys the securities to be given for moneys borrowed and interest thereon the giving of notices for the repayment of moneys borrowed the paying off of the same the payment of interest by coupons and the appointment of a receiver shall extend and apply to all moneys borrowed by the Corporation under this Act and the interest payable thereon as if those moneys were part of the moneys by the said Acts authorised to be borrowed by the Corporation and the provisions contained in the said recited Act of 1868 as to providing a sinking fund with respect to the moneys authorised to be borrowed under that Act shall extend to all the moneys authorised to be borrowed under this Act as fully and effectually as if the borrowing of such last-mentioned moneys had been authorised by the Act of 1868 provided that the equal annual sums to be set apart for sinking fund shall be sufficient to pay off the principal moneys borrowed under this Act within sixty years from the time when the same shall be borrowed:

Provided also that the power of re-borrowing any of such moneys may be exercised so as to provide beforehand (but not for more than six months in advance) for moneys about to fall due to and required by the persons lending the same to be repaid so long as the moneys thus re-borrowed will not exceed after the aforesaid repayment shall have been made the full amount of the authorised borrowing powers of the Corporation:

Provided also that any agreement which may be entered into by the Corporation with the Commissioners of Inland Revenue for the

payment of composition for stamp duty shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887. A.D. 1890.

Power to levy rates.

58. All expenses and other moneys by this Act directed to be charged upon or paid out of the borough fund and borough rate of the borough and all monevs borrowed under this Act on the credit of the borough fund and borough rate and the interest thereon shall be raised by and paid and satisfied out of the borough fund and borough rate of the borough as if the same were expenditure necessarily incurred in executing with reference to the borough the Municipal Corporations Act 1882 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 of any land covered with water and 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.

Existing mortgages to have priority.

59. All mortgages and debentures granted by the Corporation before the passing of this Act in pursuance of any Act of Parliament subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages debentures and annuities granted under this Act.

Annual returns to Local Government Board with respect to sinking fund.

60. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is directed 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 appropriated 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 such clerk 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

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recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such returns 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 other purpose 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.

Application of moneys from sale of land.

61. The Corporation shall apply any moneys from time to time received by them in respect of any sale of land authorised to be purchased by this Act in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation and such proceeds shall not be applicable to payments on account of the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application of receipts on water account.

62. All moneys received by the Corporation from the yearly and other rents and profits of the waterworks undertaking by this Act authorised shall from time to time be applied as follows (that is to say) :—

First. In payment (but not out of money borrowed) of the interest from time to time due and owing upon all moneys borrowed under this Act and subject thereto :

Secondly. In carrying into execution the purposes of this Act with respect to waterworks and subject thereto :

Thirdly. The eventual surplus (if any) shall be appropriated for the benefit of the borough and the inhabitants thereof as the Corporation at any meeting of the council may deem advisable.

Taxation of costs.

63. The costs charges and expenses of and relating to the passing of this Act shall before payment be taxed by the taxing officer of one of the Houses of Parliament.

The SCHEDULE to which the foregoing Act refers.

1. A meeting of the board may be convened by the town clerk or any three members of the board by notice or letter signed by the person or persons calling the same being sent by post in a registered letter to each member of the board at his last known place of abode or at his mill.

2. Every such notice or letter shall state the time and place of the intended meeting and the object for which it is to be held and shall be sent not less than seven days and not more than fourteen days before the time fixed for the meeting.

3. The town clerk shall at any time convene a meeting when required to do so by any three members of the board by requisition in writing under their hands.

4. In the case of a partnership or of two or more persons being interested in a mill any notice or other document by these regulations required to be sent shall be deemed to have been duly sent if it has been addressed to the partnership by the name under which they trade or (as the case may be) to the persons who are reputed to be the owners lessees or occupiers of the mill.

5. All meetings shall be held at Harrogate.

6. The quorum of a meeting shall be five members of the board.

7. Resolutions and decisions of a meeting shall be determined by a majority of votes and when so determined shall be as valid and effectual as if all the members of the board entitled to attend the meeting had agreed therein.

8. A meeting may be adjourned from time to time and from place to place but the business to be transacted at a meeting shall not where the rights and privileges of the Corporation may be affected by delay be without the consent of the Corporation postponed over more than one adjournment nor shall such one adjournment be for more than three weeks.

9. At the first meeting there shall be entered in a book provided by the Corporation for that purpose the names of the several millowners and of the mills of which they are respectively owners lessees or occupiers and also the number of votes to which each of them may be entitled The riparian proprietors appointed by the county council of the west riding and the persons appointed by the Corporation of York the York New Waterworks Company and the Knaresborough and Tentergate Improvement Commissioners present at a meeting shall have eight votes each.

10. At every meeting the person present entitled to the largest number of votes shall be chairman unless he declines in which case another member of

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the board present and entitled to vote shall be appointed chairman by the meeting and the chairman for the time being shall have a casting vote in addition to his ordinary vote or votes.

11. Every millowner present at a meeting and entitled to vote shall have one vote on any proceeding or question in respect of every entire foot of head or fall of water of or belonging to each mill in respect whereof he is entitled to vote.

12. The Corporation shall not by virtue of any alleged interest in any mill or land be entitled to vote at a meeting.

13. Votes at meetings shall be given as follows namely:—

The vote or votes in respect of each millowner shall be given by the occupier thereof if present:

If the occupier is not present then by the lessee thereof if present:

If neither the occupier or lessee is present then by the owner thereof if present:

But where several joint occupiers lessees or owners are present one only of them shall vote on behalf of all of them and if they do not agree as to their vote it shall not be received.

14. The board may from time to time appoint and remove from office a clerk secretary engineer and other officers.

15. The town clerk may attend at every meeting and there shall be entered into proper books to be provided by the Corporation full minutes of all resolutions come to at each meeting and of all other proceedings thereat and the minutes of each meeting shall be signed by the chairman thereof and the minute book shall be kept in duplicate and both shall be signed by the chairman and considered as originals and one thereof shall be kept by the town clerk and the other by the clerk to the board and the minutes when so signed shall be evidence in all courts and elsewhere without proof of the meeting being duly convened and held or of the persons present thereat being members of the board entitled to vote thereat or of the signature of the chairman all of which shall be presumed unless and until the contrary be proved.

16. Notices to be served by the board shall be sufficient if signed by any three members of the board or by their clerk for the time being by order of any meeting.

17. The rules for regulating the flow of water from the compensation reservoir made by the board or determined by arbitration shall be printed by the Corporation and one of the prints shall be kept posted up in a convenient place in or near to the dwelling-house of the superintendent of the compensation reservoir and one of such prints shall be forthwith (or as soon thereafter as may be) sent by post in a letter by the town clerk to each member of the board.

18. If the Corporation object to any rules made by the board they may (whether such rules have been put in force or not) give notice in writing to each member of the board that they object thereto stating the grounds of

their objection and the alterations which they desire and thereupon the town clerk shall convene a meeting of the board to consider the objections of the Corporation.

19. If any difference arises between the Corporation and the board the same shall be determined by arbitration.

20. The arbitrator or arbitrators or umpire may alter any rules for the time being in force and every such alteration shall be communicated by him or them to the Corporation and to the clerk to the board.

21. Where anything is by this Act expressly or by these regulations directed to be determined by arbitration between the Corporation and the board then the board at a meeting may agree with the Corporation in the appointment of a competent person as single arbitrator or may appoint some disinterested person to act as arbitrator on their behalf along with an arbitrator to be appointed by the Corporation.

22. Where anything is by this Act expressly or by these regulations directed to be determined by arbitration then unless both parties shall concur in the appointment of a single arbitrator each party on the request of the other party shall by writing nominate and appoint an arbitrator.

23. Where more than one arbitrator shall have been appointed such arbitrators shall before proceeding with the reference appoint another person to act as umpire between them.

24. If the parties do not agree in the appointment of a single arbitrator or either of them does not within twenty-one days after being required to do so appoint an arbitrator to act on their behalf then a single arbitrator may be appointed by the Board of Trade on the application of either party with seven days clear notice to the other of the time of application such arbitrator being some disinterested hydraulic engineer being a member of the Institute of Civil Engineers.

25. If two arbitrators appointed do not within twenty-one days after the appointment of the last of them appoint an umpire then on the application of either party with seven clear days notice to the other of the time and place of application two justices in petty sessions may appoint an umpire.

26. The arbitrator or arbitrators shall enter on the reference and make his or their award within forty days from the date of his appointment or the appointment of the last of them or within such enlarged time as is from time to time appointed by him or them in writing.

27. Where an umpire is appointed and acts he shall make his award within thirty days after he enters on the reference or within such enlarged time as he by writing appoints.

28. If either party fail to attend on the reference after receiving seven clear days notice from the other the award may be made ex parte.

29. The award of the single arbitrator or of the arbitrators or umpire as the case may be shall be final and conclusive.

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30. Except where otherwise provided by this Act the costs of every arbitration and of the award shall be in the discretion of the arbitrator arbitrators or umpire as the case may be.

31. Expenses to be borne by the Corporation originally paid by the board shall be repaid by the Corporation to the clerk of the board or other person appointed by them to receive the same and may be recovered by proceedings by and in the name of the clerk in any court of competent jurisdiction.

32. Expenses incurred by the board and not borne by the Corporation shall be paid by the members of the board in proportion to the number of votes to which they are respectively entitled and their respective proportions thereof may be recovered by proceedings by and in the name of their clerk in any court of competent jurisdiction and in any such proceedings against any member of the board a resolution of a meeting of the board declaring the amount payable by him or them shall be sufficient evidence of the matter thereby declared.

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