ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

Cap. cxl.

An Act for the Extension of the Boundaries of the Municipal Borough and District of *Halifax*, and otherwise improving the said Borough; to amend and extend the several Powers of the Acts relating thereto; and for other Purposes.

[29th *June* 1865.]

WHEREAS *Halifax* was erected into a Municipal Corporation by a Royal Charter of Incorporation dated the 22nd Day of *March* 1848, whereby the Powers and Provisions of the Act of the Sixth Year of *William* the Fourth, Chapter 76, for the Regulation of Municipal Corporations in *England* and *Wales*, were extended to the Inhabitants of the Borough of *Halifax*: And whereas the Public Health Act, 1848, was afterwards applied to the then Borough (in this Act called the old Borough), and the Mayor, Aldermen, and Burgesses of the old Borough (in this Act called the Corporation) were, by a Provisional Order of the General Board of Health, dated the 28th Day of *July* 1851, made the Local Board of Health for the District of the old Borough, which Provisional Order was confirmed by "The Public Health Supplemental Act, 1851 (No. 3):" 14 & 15 Vict. c. 103. (*Pub.*) And whereas by the "*Halifax* Improvement Act, 1853," (in this Act called the Act of 1853,) the Corporation 16 & 17 Vict. c. clxvii.

were

were authorized to make and maintain Waterworks, and to supply Water within the old Borough and within Two Miles therefrom, and to take Water Rates for the Supply thereof, and to make Street Improvements: And whereas by "The *Halifax* Gas Act, 1855," (in this Act called the Act of 1855,) the Corporation were authorized to acquire and maintain Gasworks, and to supply Gas within the old Borough and the Neighbourhood thereof: And whereas by "The *Halifax* Park and Improvement Act, 1858," (in this Act called the Act of 1858,) the Corporation were authorized to make and maintain the additional Waterworks therein specified, and the Limits for the Supply of Water by them were extended, and they were authorized to extend their Gasworks within the old Borough, and to make further Street Improvements: And whereas by "The *Halifax* Improvement Act, 1862," (in this Act called the Act of 1862,) the Corporation were authorized to make a new Street Improvement, and also to provide and maintain Inland Bonding Warehouses within the old Borough: And whereas the Population of the several Districts of *Northowram*, *Ovenden*, *Skircoat*, and *Southowram*, immediately adjoining to the old Borough, has greatly increased, and it is expedient that the present Municipal Limits of the old Borough be extended, as by this Act provided, so as to include Portions of those Four Townships respectively, and that the old Borough as extended by this Act (in this Act called the Borough) be divided into Ten Wards, and the District of the Local Board be extended so as to comprise the whole of the Borough: And whereas it is expedient that the Powers and Provisions of the said Provisional Order of the "Public Health Act, 1848," and the "Local Government Act, 1858," and the several Acts supplemental to the same respectively, and of the Acts of 1853, 1855, 1858, and 1862 respectively, as now in force within the old Borough, be, subject to the Limitation hereinafter contained, extended to the whole of the Borough: And whereas it is expedient that the Lands, Buildings, and rateable Property within those Portions of the Borough which are not within the old Borough be exempted from County Rates and Parochial or Township Rates from which the Lands, Buildings, and other rateable Property within the old Borough are now exempt, and Turnpike Tolls cease to be taken on Roads within those Portions of the Borough, as in this Act provided: And whereas by the Act of 1853 the Corporation were authorized to make and maintain the *Ogden* Reservoir, the *Mixenden* Reservoir, the *Warley Moor* Reservoir, and the *Castle Carr* Reservoir: And whereas by the Act of 1853 the Corporation were required to cause to flow out of their Reservoirs or other Works, or from the Feeders thereof, for the Supply of Mills, Factories, and other Works on the *Hebble Brook*, the *Luddenden Brook*, and for the Use of the *Haigh Cote* and *Leadbeater* Reservoirs respectively, the Quantities of Water as Compensation Water therein specified, and divers Provisions

18 & 19 Vict. c. cxliv.

21 & 22 Vict. c. xci.

25 & 26 Vict. c. xli.

were thereby made with respect to the Compensation Water: And whereas the *Warley Moor* Reservoir is being made by the Corporation, principally with the Object of its being a Storage Reservoir, for the Supply of such Compensation Water to Mills, Factories, and other Works on the *Luddenden Brook*, and for the Use of the *Haigh Cote* and *Leadbeater* Reservoirs: And whereas the *Ogden* Reservoir has been made by the Corporation as a Storage Reservoir, partly for supplying the Compensation Water to Mills, Factories, and other Works on the *Hebble Brook*, and partly for the Supply of Water to the Borough and District authorized to be supplied by the Corporation: And whereas the *Mixenden* Reservoir is not yet made, and further Time is required for the Completion thereof: And whereas the Corporation have agreed with the Owner of the *Castle Carr* Estate that a Portion of the *Castle Carr* Reservoir and certain Rights of Way over the Embankment thereof shall be abandoned, and that other Works in lieu thereof shall be constructed by the Corporation; and it is expedient that upon the Completion of those substituted Works and of the substituted Roads shown on the Plans thereof agreed between the Parties, the 32nd Section of the Act of 1862 should be in part repealed: And whereas it is expedient that the several Periods by the Act of 1858 limited for the compulsory Purchase by the Corporation of Lands, Streams, and Water for the several Purposes of the Acts of 1853 and 1858 respectively, and for the Completion of the Waterworks authorized by those Acts respectively, and of the Gasworks authorized by the Act of 1858, be extended: And whereas it is expedient that the Local Board and the Company of Proprietors of the *Calder and Hebble* Navigation (in this Act called the Canal Company) should be authorized to enter into and carry out Agreements with respect to the Supply of cleansed or deodorized Sewage Water to the Canal Company for the Use of their Canal, and as to the Payments to be made by the Canal Company in relation thereto: And whereas it is expedient that the Corporation be authorized to raise and apply Money for the Purpose of providing Inland Bonding Warehouses as authorized by the Act of 1862, and also to build such Warehouses instead of acquiring the same: And whereas it is expedient that the Corporation be authorized to purchase Part of *Skircoat Moor*, and to appropriate, lay out, maintain, and regulate the same as a public Recreation Ground for the Benefit of the Public: And whereas it is expedient that the Corporation be authorized to purchase other Lands for the Purposes of this Act: And whereas it is expedient that the Corporation be authorized to levy Rates, and to levy the Watch Rate of the Borough as Part of the Borough Rate of the Borough, and that the Corporation and Local Board respectively be authorized to borrow Monies for the Purposes of the Acts of 1853 and 1858, and of this Act respectively: And whereas it is expedient that the Property of the old Borough should, subject to existing

Charges,

Charges, be made applicable for the Benefit of the Borough: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts be repealed, altered, and amended, and that further Powers be granted to the Corporation and the Local Board respectively: And whereas Plans showing the Lands to be taken compulsorily for the Purposes of this Act, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands respectively, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*, and those Plans and Book of Reference are in this Act referred to as the deposited Plans and Book of Reference: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Halifax* Extension and Improvement Act, 1865."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847 and 1863," (save so far as any of the Sections and Provisions of those Acts respectively are expressly excepted or varied by this Act,) are incorporated with and form Part of this Act: Provided that the Expression the "Undertaking" in the Waterworks Clauses Acts, 1847 and 1863, incorporated with this Act, includes for the Purposes of this Act the existing and authorized Waterworks of the Corporation.

Part of 10 & 11 Vict. c. 16. incorporated.

3. The Provisions with respect to the Mortgages to be executed by the Commissioners of "The Commissioners Clauses Act, 1845," are incorporated with and form Part of this Act, and the Expression "the Commissioners" therein means for the Purposes of this Act the Corporation, or, as the Case shall be, the Local Board.

Same Meanings to Words in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

5. The

Acts of 1853, 1855, 1858, and 1862 and this Act to have effect as One Act.

5. The Provisional Order of the General Board of Health set out in the Schedule A. to the Act of 1853, except Paragraph 4 of that Order, and the Provisions therein referred to of the Local Act 2 *Geo.* 3. Cap. 40. (1762), mentioned in the Schedule (B.) annexed to that Order, the Acts of 1853, 1855, 1858, and 1862 respectively, so far as they from Time to Time are in force, and this Act, shall be read together and have effect and be executed as if they were One Act: Provided that the Provisions of this Act shall not affect any of the Provisions of the Act of 1858 with respect to the People's Park.

Execution of recited Acts and this Act by Corporation of old Borough and of Borough.

6. The Acts of 1853, 1855, 1858, and 1862 respectively, and this Act, shall, subject as in this Act provided, be executed by the Mayor, Aldermen, and Burgesses of the Borough of *Halifax* (also hereinafter called the Corporation), acting by the Council of the Borough: Provided that until the First Day of *November* One thousand eight hundred and sixty-five, they shall be executed by the Mayor, Aldermen, and Burgesses of the old Borough acting by the Council of the old Borough.

Execution of Acts by Corporation to be pursuant to 5 & 6 W. 4. c. 76. (*Pub.*)

7. So far as the Acts of 1853, 1855, 1858, and 1862, and this Act respectively are to be executed by the Corporation, they shall be executed by the Corporation, acting pursuant to the Powers and Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, and all other Statutes, whether General or Local, and Laws from Time to Time in force affecting the Municipal Corporation of the old Borough, or, as the Case shall be, of the Borough.

General Acts applicable to Accounts to apply to Accounts of Borough.

8. The Provisions of the General Acts from Time to Time in force with respect to the Corporation as a Municipal Corporation, or as a Local Board, and none other, extend and apply to all the Accounts of the Corporation, either as a Corporation or as a Local Board, kept under the Provisions of the recited Acts and this Act, and to all Apportionments thereof, and Appeals against the same in like Manner as the same Provisions extend to the Accounts of the Corporation as a Municipal Corporation, and Apportionments thereof, and Appeals against the same.

Execution of Acts by Local Board to be pursuant to 11 & 12 Vict. c. 63. and 21 & 22 Vict. c. 98., &c.

9. So far as the said Provisional Order, and the Acts of 1853 and 1858, and 1862, and this Act, are to be executed by the Local Board, they shall be executed by the Council of the Borough as the Local Board, acting pursuant to the Powers and Provisions of "The Public Health Act, 1848," and "The Local Government Act, 1858," and the several Acts supplemental to those Acts respectively, and all other Statutes, whether General or Local, and Laws from Time to Time in force affecting the Local Board of Health for the District of the Borough.

Limits of Act.

10. The Limits of this Act for Municipal Purposes, and as a Burial District, and for the Purposes of the Public Health Act, shall be the same as the Municipal Limits of the Borough, as those Municipal Limits are extended by this Act, and the Limits of this Act for the Purposes of Water Supply shall be the Limits prescribed by the Act of 1858, and the Limits for the Supply of Gas shall be the Limits of the Act of 1855.

Extension of Municipal Limits of Borough.

11. The Limits of the Borough of *Halifax* for all Municipal Purposes are by this Act extended so as to comprise within those extended Limits all the Lands, Buildings, and Hereditaments which, for Municipal Purposes, are within the Limits of the old Borough, and also all the Lands, Buildings, and Hereditaments which are within the following Portions of the several Townships of *Northowram*, *Ovenden*, *Skircoat*, and *Southowram*, all in the Parish of *Halifax* in the West Riding of the County of *York*; (that is to say,)

(A.) So much of the Township of *Northowram* outside of and adjoining to the old Borough as lies within a Boundary or Line commencing at a Point where the old Borough Boundary meets the Boundaries of the Townships of *Northowram* and *Southowram* near *Godley Lane Bridge*, thence along the Boundary of the Township of *Northowram* to the *Red Beck*, thence Northward up the Centre of *Red Beck* to *Lee Lane Bridge*, thence along *Lee Lane* to *Pule Nick*, thence along *Pule Green Lane* to the One Mile Stone on the *Halifax and Bradford* new Turnpike Road, thence across that Turnpike Road and the adjoining Lands Westward into *Canker Lane*, thence along *Canker Lane* to *Old Lane*, thence northwardly along *Old Lane* to *Old Lane Bridge* on the *Ovenden Brook*, being the Boundary between the Townships of *Northowram* and *Ovenden*:

(B.) So much of the Township of *Ovenden* outside of and adjoining to the old Borough as lies within a Boundary or Line commencing at and including *Old Lane Bridge* on the *Ovenden Brook*, thence for a Distance of Three hundred and eight Yards up the Centre of *Ovenden Brook*, and thence westwardly by the northwardly Fence of a Close of Land adjoining *Shaw Lane* called the *Holme*, thence into and including the following Lanes, *Shaw Lane* and *Nursery Lane*, across the *Halifax and Keighley* Turnpike Road, by *Nursery Lane* to *Wheatley Lane Ends*, thence by *Scarr Wood Road* to *Wheatley Bottoms*, and thence along the Highway leading to the Bridge over the *Hebble Brook* at the Bottom of *Wood Lane*, thence up *Wood Lane* to *Doctor Hill Lane Bottom*, thence South-westward by the Fence Wall immediately opposite *Wood Lane Top* to *Moor End Road*, and thence Northward along that Road for a Distance of

of Thirty-three Yards, and thence Westward by a private Occupation Road leading to the Vicar's Allotments, and thence south-westwardly by the Fence Wall Westward of that Occupation Road in a straight Line to the Boundary between the Townships of *Ovenden* and *Warley*, and thence Eastward by that Boundary to where that Boundary meets the Boundary of the old Borough, thence by the old Borough Boundary to the Boundary of the Township of *Skircoat*:

(C.) So much of the Township of *Skircoat* out of and adjoining to the old Borough, and not within the Limits of the District of the *Sowerby Bridge* Local Board of Health, as lies within a Boundary or Line commencing at *Skircoat* Township Boundary at *Highroad Well*, thence Southward down *Brow Foot Gate Lane*, behind *Trimmingham*, into and across the *Todmorden* Turnpike Road, thence into and along *Green Lane* to the *Halifax and Rochdale* Turnpike Road, thence by the North Side of that Turnpike Road to the Steps leading into the *Todmorden* Turnpike Road, thence across the *Halifax and Rochdale* Turnpike Road by *Moor Lane* Footpath to the *Wesleyan* Chapel Yard, thence by the South-western Side of the Chapel Yard by the Fence to *Washer Lane* Dyeworks Chimney, and thence to the North-western Corner of the *Albert Road*, thence by the South-western Side of the *Albert Road* and *Bird Cage Lane* to *Skircoat Green*, thence by *Dudwell Lane* to the Western Corner of the Burial Yard of *All Saints* Church, thence to the Western Entrance of *Bankhouse* Railway Tunnel, thence to the Railway Bridge over the *Salterhebble*, *Stainland, and Sowerby Bridge* Turnpike Road, thence by the Western Fence of the *Lancashire and Yorkshire* Railway to the River *Calder*, and thence Eastward by the Township Boundary to the Junction of the *Hebble Brook* with the River *Calder*:

(D.) So much of the Township of *Southowram* out of and adjoining to the old existing Borough as lies within a Boundary or Line commencing at the Junction of the *Hebble Brook* with the River *Calder*, thence by the Boundary of the Township of *Southowram* to *Park Gate*, thence by *Change Lane*, *Siddall Lane*, and *West Lane* to *Southowram* Town, thence by *Town Gate* and *Pinner Lane* into the Township Road leading to the *Manor* Inn, and thence by the Township Road to the Boundary of the old Borough, and so forward by the same Boundary to the first-mentioned Point where the old Borough Boundary meets the Boundary between the Townships of *Northowram* and *Southowram*:

In every Case in which any of the preceding Boundaries are stated to run or to be along a Road, Lane, Footpath, or Stream, such Boundary shall be deemed to be on the Side of such Road, Lane, or Footpath furthest from the Borough, so as to include the whole of such Road, Lane, or Footpath in the Borough, and in the Case of a Stream shall be deemed to be along the Centre of such Stream.

Map of Borough.

12. A Map of the Borough, as the Municipal Limits thereof are extended by this Act, which has been signed in Duplicate by *Thomson Hankey* Esquire, M.P., shall within One Month after the passing of this Act be deposited for the Purposes of this Act with the Town Clerk of the Borough (and that Map is in this Act referred to as the deposited Map of the Borough).

Copy of Map or Plan to be Evidence.

13. Copies of the said Map so deposited with the Town Clerk, or any Extract therefrom certified by the Town Clerk to be true, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents of such Map, and such Map shall at all reasonable Times be open to the Inspection of the Ratepayers, and all Persons interested shall be entitled to a Copy of or Extract from such Map certified by the Town Clerk upon Payment of a reasonable Fee for every such Copy or Extract.

Borough divided into Ten Wards.

14. The Borough is by this Act divided into Ten Wards called respectively,

1. The *Southowram* Ward,
2. The *Skircoat* Ward,
3. The East Ward,
4. The Market Ward,
5. The South Ward,
6. The West Ward,
7. The Central Ward,
8. The North Ward,
9. The *Northowram* Ward,
10. The *Ovenden* Ward,

and the Boundaries of the Ten Wards respectively are described in Schedule (A.) to this Act, and also appear by the deposited Map of the Borough, and every Ward of the Borough comprises all the Lands, Buildings, and Hereditaments within the Limits of such Ward as defined on that Map.

All Lands within extended Limits to be Part of Borough.

15. All the Lands, Buildings, and Hereditaments within the Limits of the Borough as extended by this Act shall to all Intents and Purposes be Parts of the Borough.

16. The

Qualification of Burgesses.

16. The Title and Qualification of the Burgesses of the said Borough shall be the same with regard to the Borough as the Title and Qualification of the Burgesses of the Boroughs named in the said Act for regulating Municipal Corporations in *England* and *Wales* are with regard to such Boroughs, exactly as if the Borough as altered and extended by this Act had existed at the Time of the passing of and had been One of the Boroughs named in the same Act, and all Persons possessing such Title or Qualification with respect to the Borough shall be entitled to be placed upon the Burgess Roll of the Borough, and shall become and for ever thereafter form Part of the Body Corporate and Politic of the Borough, called and known by the Name of "the Mayor, Aldermen, and Burgesses of the Borough of *Halifax*."

Municipal Corporation Acts extended to the whole Borough.

17. All the Powers and Provisions of the Act for the Regulation of Municipal Corporations in *England*, and of all other Acts altering, amending, or enlarging the same, and from Time to Time in force with respect to Municipal Corporations in *England*, and applicable to the Municipal Corporation of the Borough, shall extend and apply to, and be in force, and have effect, and be executed in all Parts of the Borough, and shall accordingly apply to the Borough, and the several Wards thereof, and the Inhabitants of the Borough, and the several Wards thereof respectively.

Council to consist of Mayor, Ten Aldermen, and Thirty Councillors.

18. On and after the Declaration of the First Election under this Act of Councillors for the several Wards of the Borough, the Council of the Borough shall consist of a Mayor and Ten Aldermen and Thirty Councillors, and there shall be Three Councillors for every Ward.

First Burgess Lists for Borough.

19. The First Burgess Lists for the Borough shall be made out on the First Day of *September* One thousand eight hundred and sixty-five by the Overseers of every Township wholly or in part within the Borough, who shall on that Day deliver the same to the Town Clerk in alphabetical Ward Lists, according to the Division of the Borough into Wards as regulated by this Act.

First Revision of Burgess Lists for Borough.

20. The Court for the Revision in the Month of *October* One thousand eight hundred and sixty-five of the Burgess Lists for the old Borough shall be the Court for the Revision in that Month of the First Burgess Lists for the Borough, and the Court may and shall revise the Burgess Lists for the Borough accordingly.

Proceedings as to Burgess Lists.

21. All Proceedings with respect to the Preparation, Revision, and Completion of the Burgess Lists and incidental Matters, shall and may be had and taken as if the Municipal Limits of the Borough had been the original Municipal Limits of the old Borough.

First Election of Assessors for Wards of Borough.

22. The Assessors of the several Wards of the old Borough shall go out of Office on the Twenty-first Day of *October* One thousand eight hundred and sixty-five, and the First Election of Assessors for the Ten Wards of the Borough respectively shall take place on the Twenty-first Day of *October* One thousand eight hundred and sixty-five, and shall be held before such of the Aldermen or Councillors of the old Borough, or their respective Deputies, being Councillors of the old Borough, as the Mayor by Writing under his Hand appoints, and such Assessors shall continue in Office until the First Day of *March* One thousand eight hundred and sixty-six.

Retirement of Councillors of old Borough.

23. On the First Day of *November* One thousand eight hundred and sixty-five all the Councillors elected for the several Wards of the old Borough shall go out of Office.

First Election of Councillors for Wards of Borough.

24. The First Election of Councillors for the Ten Wards of the Borough respectively shall take place on the First Day of *November* One thousand eight hundred and sixty-five, and there shall be elected Three Councillors for every Ward.

First Elections of Assessors and Councillors.

25. The First Election of Councillors respectively for the Ten Wards shall be held before the Assessors of such Wards respectively, and such of the Aldermen or Councillors of the old Borough, or their respective Deputies, being Councillors of the old Borough, as the Mayor by Writing under his Hand appoints, and every Councillor so appointed shall, for the Purposes of the First Election of Councillors, remain in Office until the Business of the respective Election is concluded.

Retirement of Aldermen of old Borough.

26. On the Ninth Day of *November* One thousand eight hundred and sixty-five all the Aldermen of the Old Borough shall go out of Office.

First Election of Aldermen for Borough.

27. The First Election of Aldermen for the Borough shall take place on the Ninth Day of *November* One thousand eight hundred and sixty-five, and the Councillors immediately after the said First Election of Aldermen shall appoint who shall be the Aldermen to go out of Office in the Year One thousand eight hundred and sixty-eight.

Rotation of Councillors.

28. On the First Day of *November* One thousand eight hundred and sixty-six, and in every Year thereafter, One Third of the Number of the Councillors for every Ward respectively shall go out of Office; and in the Year One thousand eight hundred and sixty-six those who

who shall go out of Office shall be the Councillors who were elected by the smallest Number of Votes in the present Year, and in the next Year (One thousand eight hundred and sixty-seven) those who shall go out of Office shall be the Councillors who were elected by the next smallest Number of Votes in this present Year, the Majority of the Number present at a Meeting of the Council always determining when the Votes are equal who shall be the Persons to go out of Office, and thereafter those who shall go out of Office shall always be the Councillors who have been the longest Time in Office without Re-election.

Rotation of Aldermen.

29. On the Ninth Day of *November* One thousand eight hundred and sixty-eight, and on the Ninth Day of *November* in every Third Year thereafter, One Half the Aldermen shall go out of Office.

Borough to be District of Local Board.

30. The Borough as extended by this Act is by this Act made to all Intents and Purposes the District of the Local Board of Health, as if the Borough as extended by this Act were the District of the Local Board fixed by and specified in the Provisional Order of the General Board of Health with respect to *Halifax* mentioned in and confirmed by "The Public Health Supplemental Act, 1851," (No. 3).

Provisions of 11 & 12 Vict. c. 63. and 21 & 22 Vict. c. 98., &c. to extend to the whole Borough.

31. All the Powers and Provisions of the said Provisional Order and of "The Public Health Act, 1848," and "The Local Government Act, 1858," and the several Acts supplemental to those Acts respectively, and from Time to Time in force with respect to Local Boards of Health, and applicable to the Local Board, shall extend and apply to, and be in force, and have effect, and be executed in all Parts of the Borough, and shall accordingly apply to the Borough and to the Inhabitants thereof.

Certain Parts of recited Acts to extend to the whole Borough.

32. Subject to the Provisions of this Act, the several Powers and Provisions of the said Provisional Order, except Paragraph 4 of that Order, and the Provisions therein referred to of the Local Act 2 *Geo.* 3. Cap. 40. (1762), for supplying the Town of *Halifax* with Water, mentioned in the Schedule (B.) to that Order, and by that Order and the Act confirming the same intended to be re-enacted, and also the several Powers and Provisions of the Acts of 1853, 1855, 1858, and 1862 respectively, so far as the same respectively are applicable generally to the old Borough and the Inhabitants thereof, and are from Time to Time in force, shall extend and apply to, and be in force, and have effect, and be executed in all Parts of the Borough, and shall accordingly apply to the Borough and the Inhabitants thereof.

33. Not-

Corporation to continue by its present Name.

33. Notwithstanding the Extension and Alteration of the Boundaries of the Borough and the Alteration in the Constitution of the Council thereof, the Corporation of the Borough (herein-after called the Corporation) shall continue by its present Name of "the Mayor, Aldermen, and Burgesses of the Borough of *Halifax*," and by that Name shall have perpetual Succession, and shall continue to use the existing Corporate Common Seal for all Corporate, Local Board, Burial Board, or other Purposes, and shall continue to be seised and possessed of all Estates and Property of every Description now vested in it in its Corporate Capacity for Municipal and other Purposes connected therewith and also of all Estates and Property of every Description now vested in it as the Local Board of the existing District, and also of all Estates and Property of every Description now vested in it or in any Trustees for it for Burial Board Purposes, and shall in each of those Capacities have, hold, possess, or enjoy, and exercise for the Benefit of the Borough and District and Burial District respectively, all the Powers, Rights, Privileges, Advantages, and Immunities which at the Commencement of this Act are vested in the Corporation or Local Board or Burial Board for the Benefit of the existing Borough and the existing District and Burial District respectively.

Present Officers to continue in Office.

34. The Town Clerk and the Treasurer of the old Borough, and the other Officers and Servants of the Corporation, acting either for the Corporation, the Local Board, or the Burial Board, shall, notwithstanding the Alterations hereby made in the Constitution of the said Corporate Body, continue and be the Officers and Servants of the Corporation, the Local Board, or the Burial Board, according to the Nature and Tenure of their Appointments and Employments respectively, and they shall be accountable in the same Manner as if at the Time of their Appointments and Employments respectively the Corporation had been constituted as provided by this Act.

Repeal of Parts of Charter inconsistent with this Act.

35. So much and such Parts of the Royal Charter and Letters Patent now in force relating to the old Borough, or to the Inhabitants thereof, or to the Body Corporate of the old Borough, as are inconsistent with or contrary to the Provisions of this Act, shall from the Commencement of this Act be and the same are hereby repealed and annulled, but in all other respects the said Royal Charter and Letters Patent shall be and the same are hereby confirmed.

Corporations to raise Rate in Borough.

36. The Corporation and the Local Board respectively may levy and raise in all Places within the Borough as extended by this Act, all such Borough Rates, General District or Special District Rates, Improvement Rates, Sewage Rates, Water Rates, Gas Rates, Burial Rates, and other Rates and Assessments as they may now levy and raise

raise within the Limits of the old Borough, and all Rates and Assessments which by this Act they are authorized to raise, and every such Rate or Estimate thereof requiring Signature shall be sealed with the Corporate Common Seal of the Borough instead of being signed.

Restriction as to Watch Rate.

37. Provided, That the Corporation shall not make or levy as a distinct and separate Rate any Watch Rate, but may and shall from Time to Time levy as Part of the Borough Rate such Sums as, if this Act were not passed, they might from Time to Time levy by means of the Watch Rate, and the Amount of the Borough Rate shall be increased accordingly; but the Monies so raised shall be applied only for the Purposes for which they would be applicable if they were raised by a Watch Rate.

Borough exempt from County Rates except as leviable in old Borough.

38. On and after the Ninth Day of *November* One thousand eight hundred and sixty-five the Borough, and all Lands, Buildings, and Hereditaments within the Borough, and all Persons in respect of the same, shall be exempt from all Liability to the Support of the County Police of the West Riding of the County of *York*, and all Liability for Purposes for which County Rates or any Rates in the Nature of, or which may be raised as County Rates, are applicable, and from all Liability to be assessed to any of those Rates, save only in respect of the Purposes for which any such County or other Rates are now leviable within the old Borough.

Borough exempt from Township Rates.

39. On and after the Ninth Day of *November* One thousand eight hundred and sixty-five all Lands, Buildings, and Hereditaments within the Borough, and all Persons in respect of the same, shall be exempt from the Payment of and all Liability to be assessed to all Highway Rates of the Townships of *Northowram*, *Ovenden*, *Skircoat*, and *Southowram* respectively, and all other Rates, except Poor Rates, from Time to Time raised by those Townships respectively.

Exemption from Rates not to prevent Recovery of Rates payable before 9th November 1865.

40. Provided, That the Exemption under this Act of Lands, Buildings, and Hereditaments within those Parts of the Borough which are not within the old Borough, and Persons in respect of the same, for County and Township, and Highway and other Rates, except Poor Rates, shall not exempt any Person from the Payment of any Rate, or the due Apportionment thereof, assessed and payable before the Ninth Day of *November* One thousand eight hundred and sixty-five, but all such Rates assessed and payable before that Day, or the due Apportionment thereof, shall be paid and recovered as if this Act were not passed.

Roads within District to be repaired by Local Board.

41. On and after the Ninth Day of *November* One thousand eight hundred and sixty-five the Local Board shall be liable to the Maintenance and Repair of all the Streets and Roads within the Borough, being public Highways, and the Inhabitants within the Borough shall not, in respect of any Lands, Buildings, or Hereditaments within the Borough, be liable to any Payment whatsoever in respect to the making or repairing of any Highway beyond the Limits of the Borough.

Payment to Local Board of Contributions towards Repair of Turnpike Roads partly within the District.

42. Where the Surveyors of the Highways of any of the Townships of *Northowram*, *Ovenden*, *Skircoat*, and *Southowram* respectively, are entitled to receive from the Trustees of any Turnpike Road any Sum towards the Repair of any Turnpike Road, a Portion of which is within the Limits of the District of the Local Board, the Surveyors shall from Time to Time, when and as they receive the same, pay to the Local Board such a Proportion of the Monies so received as bears the like Proportion to the whole of those Monies as the Portion of the Turnpike Road so within the Borough bears in Length to the whole of the Turnpike Road within any of the aforesaid Townships in respect of which the Monies are so received, and the Monies so paid to the Local Board shall be applied by them in aid of the Highway or General District Rates levied by them within their District.

Turnpike Tolls not to be taken within Borough.

43. On and after the Ninth Day of *November* One thousand eight hundred and sixty-five the Trustees of any Turnpike Road, other than those of the *Halifax and Huddersfield* Turnpike Road and of the *Keighley and Halifax* Turnpike Road, shall not collect any Toll on any Road within the Borough, or lay out any Money thereon; and on and after the First Day of *May* One thousand eight hundred and sixty-nine the Trustees of the *Halifax and Huddersfield* Turnpike Road shall not collect any Toll on such Part of their Road as is within the Borough, or be liable to the Repairs thereof, or lay out any Money thereon; and on and after the First Day of *July* One thousand eight hundred and sixty-seven the Trustees of the *Keighley and Halifax* Turnpike Road shall not collect any Toll on, or be liable to the Repairs of, or to lay out any Money on such Part of their said Road as is within the Borough.

Old Borough Accounts to be balanced to 31st December 1865.

44. The several Accounts of the old Borough and old District shall be balanced to the Thirty-first Day of *December* One thousand eight hundred and sixty-five, and the Credit or Debit Balance of each of such Accounts shall be carried to the Credit or Debit of the Borough or District, as the Case may be.

Section 32 of Act of 1862 and

45. When and as soon as the Corporation in pursuance of the before-mentioned Agreement with the Owner of the *Castle Carr* Estate

Estate shall have executed the Portion of the *Castle Carr* Reservoir, and the substituted Roads and other Works thereby agreed to be completed by the Corporation, then the Obligation contained in Section 32 of the Act of 1862, on the Part of the Corporation to set apart, out of the Monies to be raised for the Purposes of their Waterworks, a Sum of Twelve thousand Pounds for the Completion of the *Castle Carr* Reservoir, shall cease, and the said Section and also Section 19 of the Act of 1853 as to the same Reservoir shall be repealed.

Section 19 of Act of 1853 repealed.

46. The Corporation may purchase and take either by Compulsion or Agreement so much of the waste or uninclosed Lands of the Township of *Skircoat*, called *Skircoat Moor*, as is bounded northwardly by *Green Terrace* and *Bell Hall* Farm, eastwardly by *Heathfields* and other Parts of the Moor, southwardly by *Royd's* Farm and *Moorland's House*, and westwardly by the *Orphanage* and the Grounds thereof, and which Lands so to be purchased contain about Fifty-six Acres, and the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to any Lands being Common or Waste Lands, shall apply to the Purchase of the before-mentioned Lands.

Power for Corporation to purchase Land on Skircoat Moor.

47. The Powers of the Corporation under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for compulsory Purchase.

48. The Persons by "The Lands Clauses Consolidation Act, 1845," empowered to convey Lands shall have full Power to make to the Corporation Grants in perpetuity of any Easements, Powers, and Interests in and over any Lands in consideration of a fixed and invariable yearly Rent, and the Corporation may subsequently purchase the Discharge thereof from the Rents, Covenants, or Obligations reserved or contained in the Grant.

Grants of Easements, &c. by incapacitated Persons in consideration of Rents.

49. In every Case of any such Grant by any Parties other than Parties seised in Fee, or entitled to dispose absolutely of the Easements, Powers, and Interests, the Amount of the Rent shall be ascertained in manner directed by Section 9 of "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, and shall be subject to the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," incorporated with this Act.

How Amount of Rent to be ascertained.

50. All Lands, Easements, Interests, Powers, and Privileges from Time to Time purchased or otherwise acquired by the Corporation under this Act shall be vested in the Mayor, Aldermen, and Burgesses as Part of their Corporate Estates.

Lands, &c. purchased by Corporation, &c. to be Part of Corporate Estates.

51. All

Certain Powers of Local Board transferred to Corporation.

51. All Powers of purchasing and holding Lands for the Purposes of the Gasworks and other Powers which were vested in the Local Board at the passing of the Act of 1858, and which were not transferred by that Act to the Corporation, shall be and the same are hereby transferred to the Corporation for the Purposes of their Gas Undertaking.

Corporation to make Compensation for Damage to Roads in consequence of Works of the Corporation.

52. If in the course of making the Waterworks authorized by the Acts of 1853 and 1858 respectively the Corporation shall use or interfere with any Horse or Carriage Road, they shall from Time to Time make good all Damage done by them to such Road, and if any Question shall arise as to the Damage done to any such Road by the Corporation, or as to the Repair thereof by them, such Question shall be referred to the Determination of Two Justices, and such Justices may direct such Repairs to be made in the State of such Road in respect of the Damage done by the Corporation, and within such Period as they shall think reasonable, and may impose on the Corporation for not carrying into effect such Repairs any Penalty not exceeding Five Pounds *per* Day as to such Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Corporation, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in determining any such Question with regard to a Turnpike Road, the said Justices shall have regard to and shall make full Allowance for any Tolls that may have been paid by the Corporation on such Roads in the course of the using thereof.

Existing Powers for compulsory Purchase of Lands, &c. extended.

53. The Powers of the Corporation for the compulsory Purchase of Lands, Streams, and Waters for the Purposes of the Act of 1853 and the Act of 1858 respectively, may be exercised before but shall not be exercised after the Expiration of the following Periods after the Commencement of this Act; (that is to say,)

(A.) For the Purposes of the Waterworks, Three Years:
(B.) For the Purposes of the Street Improvements, Three Years.

Parties aggrieved by Extension of Time may have Compensation for additional Damage.

54. The Justices, Arbitrators, Umpires, or Juries respectively, who, under the Provisions of the Acts of 1853 and 1858 and this Act respectively, award or assess the Compensation to be made by the Corporation to the Owners or Occupiers or other Persons interested in any of the Lands, the Time for the compulsory Purchase whereof is by this Act extended and which shall be taken or used for any of the Purposes of the respective Works or be injuriously affected by the Construction thereof, shall, in estimating the Account of the Compensation, have regard to and assess Compensation for the additional Damage

Damage (if any) sustained by them respectively by reason of the Extension of Time by this Act granted.

Periods for Completion of Works.

55. The Period for the Completion of the Waterworks by the Acts of 1853 and 1858 respectively authorized shall be Seven Years after the Commencement of this Act, and the Period for the Completion of the Gasworks by the Act of 1858 authorized shall be Five Years after the Commencement of this Act: Provided that this Limitation of Times shall not apply to the laying down and extending from Time to Time of Pipes and like Works and Conveniences for the Waterworks and the Gasworks respectively.

Beacon Hill Road.

56. The Local Board shall complete the Street Improvement numbered One in Section 58 of the Act of 1858 within Three Years from the Commencement of this Act.

Power for Corporation to maintain public Recreation Ground on Skircoat Moor.

57. After the Corporation have acquired so much as they think fit of the Land on *Skircoat Moor*, which they are by this Act authorized to purchase, they shall appropriate and maintain the same as an open public Recreation or Play Ground for ever, and shall lay out the same for the Purpose, and shall make and maintain therein such Lodges, Seats, Paths, and other Conveniences and Approaches as they think fit, and shall keep the same in good Order: Provided, that if and when the Corporation so think fit they may lay out and set apart any Parts of the Recreation Ground for Cricket or other Games or Purposes.

Byelaws for Recreation Ground.

58. It shall be lawful for the Corporation from Time to Time to make, alter, and repeal all such Byelaws as they think fit for the following Purposes, or any of them:

For the Regulation and Management of the Recreation Ground:

For preserving good Order therein:

For prohibiting Nuisances and Annoyances therein:

For keeping for particular Games, or for Promenades or Rides or Drives, any Parts thereof set apart for those Purposes:

For preventing the Sale on the Recreation Ground of any intoxicating Liquor:

For preventing the User of the Recreation Ground, or any Part thereof, for any Purpose other than that for which it is for the Time being appropriated by the Byelaws of the Corporation:

The Corporation by such Byelaws may impose such Penalties as they shall think proper, not exceeding in any Case the Sum of Forty Shillings for the Breach thereof: Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Agreements between Local Board and Canal Company as to Supply of cleansed Sewage Water to Canal.

59. The Local Board and the Canal Company from Time to Time may enter and carry into effect such Agreements as they think fit with respect to the Supply by the Local Board to. the Canal Company of Sewage Water, cleansed and deodorized, and with respect to the Payments to be made by the Canal Company to the Local Board for the Supply of the Sewage Water, and otherwise in relation thereto, and with respect to all incidental Matters, and the Agreements may be for such Times and on such Terms and Conditions as the Local Board and the Canal Company think fit.

Power for Corporation to build Inland Bonding Warehouses.

60. The Corporation from Time to Time may build, enlarge, improve, and maintain, as well as provide or take on Lease, Buildings for Inland Bonding Warehouses as authorized by the Act of 1862, and by Agreement may acquire such Lands for the Purpose as they think fit.

Extension of borrowing Powers of Corporation.

61. The several Sums which the Corporation from Time to Time, under the Authority of the Act of 1858, may borrow at Interest for the Purposes expressed in Sections 107, 108, 112, 113, 114, and 115 respectively of that Act, and in Section 31 of the Act of 1862 respectively, shall be any Sums not exceeding in the whole, inclusive of the respective Sums which they are already authorized to borrow, the Sums following; (that is to say,)

For the Purposes of the Waterworks, Baths, and Wash-houses, Three hundred thousand Pounds:

For the Purposes of the Gasworks, One hundred and eighty thousand Pounds:

For the Purposes of the Town Hall and other Buildings and Approaches thereto, Fifty-four thousand Pounds:

For the Purposes of the Markets, Twenty-five thousand Pounds:

For the Purposes of the Cemetery, Twenty thousand Pounds:

And those Acts respectively shall be read and have effect as if those respective Sums had been inserted in those Sections respectively.

Power to borrow for Inland Bonding Warehouses.

62. The Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of their Income from Inland Bonding Warehouses and of the Borough Fund and Borough Rates of the Borough, all such Sums as they think requisite for the Purposes of Inland Bonding Warehouses, not exceeding in the whole Five thousand Pounds.

Power to borrow for Recreation Ground.

63. The Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of the Borough Fund and Borough Rate of the Borough all such Sums as they think requisite for the acquiring and making of the *Skircoat* Recreation Ground

Ground and Approaches, not exceeding in the whole Ten thousand Pounds.

Application by Corporation of Monies borrowed for Waterworks.

64. Such Parts as the Corporation from Time to Time think fit of the Monies borrowed for the Purposes of their Waterworks by them, under the Authority of the Act of 1858 as extended by the Act of 1862 and this Act respectively, may be applied by them for any of the Purposes by this Act authorized with respect to their Waterworks, Baths, and Wash-houses.

Application by Corporation of Monies borrowed for Gasworks.

65. Such Part as the Corporation from Time to Time think fit of the Monies borrowed for the Purposes of their Gasworks by them, under the Authority of the Act of 1858 as extended by the Act of 1862 and this Act respectively, may be applied by them for any of the Purposes by this Act authorized with respect to their Gasworks.

Monies borrowed by Corporation to be paid to Borough Fund.

66. Except as is by this Act otherwise provided, all Monics from Time to Time borrowed by the Corporation, in accordance with this Act, shall be paid to the Treasurer of the Borough, and be carried by him to the Credit of the Borough Fund, and no Money so borrowed shall be applied to any Purpose other than the Purposes for which the Money is by the Act of 1858 as extended by the Act of 1862 and this Act respectively authorized to be borrowed.

Expenditure of Corporation under Act charged on Borough Rates.

67. All the Costs, Charges, and Expenses of and incidental to the executing by the Corporation of this Act, and all Monies from Time to Time borrowed by the Corporation on Mortgage of the Borough Fund and the Borough Rates, and the Interest thereon, and all other the Expenses and Liabilities of the Corporation under and with respect to this Act, and the Purposes and Execution thereof, are by this Act charged on the Borough Rates or Rates in the nature of the Borough Rates, and except as is by this Act otherwise provided, shall be paid out of the Borough Fund accordingly, as if the same were Expenses necessarily incurred in executing with respect to the Borough the Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales*.

Limit of Amount to be applied out of Borough Fund.

68. Provided, That the total Amount which shall in any One Year be so charged on the Borough Rates or Rates in the nature of Borough Rates, and paid out of the Borough Fund, except for the Sinking Fund, shall not exceed such a Sum as would be the gross Amount of a Rate in that Year of One Shilling in the Pound upon the yearly Rental of the Borough, according to the Assessment of the Property within the Borough from Time to Time in force, in addition

to

to any Sum paid to the Treasurer of the Borough under this Act, and carried by him to the Credit of the Borough Fund.

Certificate of the Amount.

69. In order to avoid Questions as to that gross Amount, any Two Justices may in any Year, on the Application of the Corporation, certify under the Hands of the Justices what in their Opinion would be the gross Amount of a Rate in that Year of One Shilling in the Pound upon that yearly Rental; and the Certificate shall be delivered to and kept by the Town Clerk, and shall be conclusive for the Purposes of this Act.

Extension of borrowing Power of Local Board.

70. The Sums which the Local Board from Time to Time, under the Authority of the Act of 1862, may borrow at Interest for the Purposes expressed in Section 37 of the Act of 1862, shall be any Sums not exceeding in the whole, inclusive of the Sums which they are already authorized to borrow, Fifteen thousand Pounds, in addition to any Sums already borrowed by them under the Provisions of the "Public Health Act, 1848," and "The Local Government Act, 1858," and the Acts of 1853, and 1858, and 1862 respectively.

Power to the Local Board to borrow for Purposes of Sewerage.

71. The Local Board from Time to Time, under the Authority of this Act, and in accordance with the Provisions of the "Public Health Act, 1848," so far as those Provisions are consistent with the Provisions of this Act, may borrow at Interest on Mortgage of their Special or General District Rates for the Purposes of the Sewerage and Drainage of the said Borough and District such Sums as they think requisite, not exceeding in the whole Twelve thousand Pounds, in addition to any Sums authorized to be borrowed under the Act of 1858, and the Public Health Acts, from Time to Time in force within the Borough.

Act not to restrict other Powers of Local Board for borrowing.

72. Provided always, That this Act shall not restrict any of the Powers of the Local Board to borrow Money otherwise than under the Authority of the recited Acts and this Act respectively.

Application by Local Board of Monies borrowed by them.

73. Such Parts as the Local Board from Time to Time think fit of Monies borrowed by them under the Authority of the Act of 1862 as extended by this Act, may be applied by them for any of the Purposes of this Act relating to the Local Board.

Monies borrowed by Local Board to be paid to District Fund.

74. All Monies from Time to Time borrowed by the Local Board in accordance with this Act, and all Monies from Time to Time received by or for the Use of the Local Board under this Act, or in carrying it into execution, forthwith after the Receipt thereof shall be paid to the Treasurer of the Local Board, and be carried by him to the Credit of their District Fund Account.

75. All

Expenditure of Local Board under Act charged on District Rates.

75. All the Costs, Charges, and Expenses of and incident to the Execution by the Local Board of this Act, and all Monies from Time to Time borrowed by the Local Board in accordance with this Act, and the Interest thereon, and all other the Expenses and Liabilities of the Local Board under and with respect to this Act, and the Purposes and Execution thereof, are by this Act charged on and shall be paid out of the General District Rates, or, as the Case shall be, the Special District Rates of the Borough.

Power to Corporation and Local Board to re-borrow.

76. The Corporation and the Local Board respectively from Time to Time may borrow any Amount from Time to Time to be repaid by them respectively, unless it be repaid by means of a Sinking Fund, in which Case, and to the Extent of the Amounts from Time to Time paid off by the Sinking Fund, their respective Powers of borrowing and reborrowing shall cease.

Period for paying off Money borrowed by Local Board.

77. The Period within which any Money already or hereafter to be borrowed by the Local Board under the Authority of the Act of 1858, or of the "Public Health Act, 1848," or the "Local Government Act, 1858," or of this Act, is to be paid off by means of a Sinking Fund, shall be Forty Years from the First Day of *January* One thousand eight hundred and seventy, anything in the Act of 1858, or the Public Health Act, or Local Government Act, to the contrary notwithstanding.

Arrears may be enforced by Appointment of a Receiver.

78. The Mortgagees of the Corporation and the Local Board respectively from Time to Time may enforce the Payment of the Arrears of Interest, or of Principal and Interest due on their respective Mortgages, by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Five thousand Pounds.

Act not to restrict Powers of borrowing under General Acts.

79. The recited Acts and this Act shall not restrict the respective Powers of the Lords Commissioners of Her Majesty's Treasury, and One of Her Majesty's Principal Secretaries of State, to authorize the Corporation and the Local Board respectively to borrow Monies under the Provisions of any General Act.

Protecting Rights of existing Mortgagees.

80. Nothing in this Act contained shall prejudice or affect the Priority or other Rights or Remedies under any Mortgages or Securities granted by the Corporation, or by the Local Board, before the Commencement of this Act, and then subsisting, and any of such Mortgages which may create a Charge on the Borough Fund of the old Borough shall be deemed to be Mortgages of the Borough Fund of the Borough, and all Mortgages granted for securing Monies borrowed upon the General or Special District Rates of the old Borough for the Purposes of sewering the old Borough, and all Monies

Monies from Time to Time borrowed under the Acts of 1853, 1858, and 1862 respectively, for the Formation and Improvement of Streets by those Acts authorized, are hereby declared to be Liabilities chargeable upon the General or Special District Rates of the Borough, as the Case may be.

Application of Monies received under Section 65 of Act of 1858.

81. All Monies from Time to Time received or which may hereafter be received by the Local Board in Repayment of Expenses incurred in the making or altering of Sewers or Drains, and by Section 65 of the Act of 1858 declared to be private Improvement Expenses, and recoverable accordingly, shall forthwith after Receipt thereof be paid to the Treasurer of the Local Board, and be applied in discharge of Monies borrowed upon the General or Special District Rates of the Borough for Sewerage or Drainage Purposes.

Accounts to be balanced half-yearly.

82. From and after the First Day of *January* One thousand eight hundred and sixty-six all the Accounts of the Borough and District shall be balanced half-yearly, on the Thirtieth Day of *June* and the Thirty-first Day of *December* in each and every subsequent Year.

Sewerage Expenses to be charged to Borough.

83. After the Commencement of this Act all Monies from Time to Time borrowed for the Purposes of Sewerage within the old Borough shall be charged upon and levied by a Special or General District Rate, to be charged upon and collected with the General District Rate to be levied within the Area of the Borough.

Power to rate Landlord or Tenant in respect of Sub-tenancy for Trade Purposes.

84. Any Person being a Landlord or Tenant who shall, after the Commencement of this Act, let off any Warehouse or other Building or Tenement for Trade or manufacturing Purposes in separate Rooms, Compartments, or Tenements, shall be considered as rated, and shall pay the Rates in such and the like Manner as if he were the actual Occupier thereof, or the same may be recovered by Distress and Sale of the Goods and Chattels of the Occupier thereof respectively: Provided that such Occupier or Occupiers be not in any Case liable to the Payment of Rates beyond the Amount of his or their Rent or Rents actually due from him or them, and every such Occupier having paid such Rate shall be at liberty to deduct and retain the Amount he or they may so pay, and all incidental Costs, from his or their Rent or Rents, and the Landlord or Tenant entitled to such Rent or Rents shall allow such Deductions accordingly.

Section 54 of Act of 1858 extended to Supply of Water.

85. The several Powers and Provisions of Section 54 of the Act of 1858, with respect to the Supply of Gas to Persons desirous of having the same, shall extend and apply to the Supply of Water within the Limits of Water Supply of the Corporation as defined by the Act of 1858.

86. The

Sections of Act of 1853 extended to this Act.

86. The several Powers and Provisions of Sections 152 and 154 to 161, both inclusive, of the Act of 1853, extend to this Act and the several Purposes thereof.

Sections of Act of 1858 extended to this Act.

87. The several Powers and Provisions of Sections 145 to 150, both inclusive, of the Act of 1858, extend to this Act and the several Purposes thereof.

Application of Income from Waterworks.

88. The Corporation shall apply all Monies from Time to Time received by them under the Acts of 1853, 1858, and 1862, and this Act respectively, as from the First Day of *January* One thousand eight hundred and sixty-six, with respect to the Waterworks and Baths other than Monies borrowed, as follows:

First, in Payment of the Expenses of and incident to the raising, levying, and Recovery of the same:

Secondly, in the Management, Maintenance, and Repairs of the existing Waterworks and Baths, and the Waterworks by this Act authorized:

Thirdly, in Payment of the Interest of the Sum of Thirty thousand Pounds now charged and chargeable upon the existing Waterworks: Provided, nevertheless, that the Interest of Seventeen thousand Pounds (being Part of the said Sum of Thirty thousand Pounds), after the Rate of Four Pounds Ten Shillings *per Centum per Annum*, shall be applied either in the Improvement of the Township of *Halifax*, or in part Payment of any Rates or other Charges payable by that Township, until and when the Corporation shall deem it expedient to apply the said Principal Sum of Seventeen thousand Pounds, or any Part thereof, in the Improvement of that Township:

Fourthly, in Payment of the Interest on all Monies from Time to Time borrowed by the Corporation for the Purposes of the Waterworks, and the Baths, and the Wash-houses respectively under the said Acts of 1853, 1858, and 1862, and this Act respectively:

Fifthly, in setting apart from Time to Time from and after the First Day of *January* One thousand eight hundred and seventy, by way of Sinking Fund, such Sums as, with Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to pay off the respective Monies so borrowed:

Sixthly, the Surplus from Time to Time of those Monies shall be carried half-yearly to the Credit of the Borough Fund.

Application of Income from Gasworks.

89. The Corporation shall, as from the First Day of *January* One thousand eight hundred and sixty-six, apply the Monies from Time to Time received by them under the *Halifax* Gas Act, 1855, and the Acts of 1858 and 1862, and this Act respectively, with respect

respect to the Gasworks and the Supply of Gas other than Monies borrowed, as follows:

First, in Payment of the Expenses incident to the Management, Maintenance, Repairs, and Renewal of the Gasworks:

Secondly, in Payment of the Interest on all Monies from Time to Time borrowed for the Purposes of the Gasworks:

Thirdly, in setting apart from Time to Time from and after the First Day of *January* One thousand eight hundred and seventy, by way of Sinking Fund, such Sums as, with the Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to pay off the Monies from Time to Time borrowed for the Purposes of the Gasworks:

Fourthly, in applying from Time to Time any Sums not exceeding in any One Year One Third Part of the Surplus Proceeds of the Gas Income in or towards such Improvements of the Borough as the Corporation may think fit, and the Remainder of such Surplus to be carried to the Credit of the Borough Fund of the Borough.

Application of Income from Markets.

90. The Corporation shall apply all Monies from Time to Time received by them under the Acts of 1853, 1858, 1862, and this Act respectively, with respect to the Markets, Market Houses, Market Places, Fairs, and Slaughter-houses, other than Monies borrowed, as follows:

First, in Payment of the Expenses of and incident to the Management, Maintenance, and Repairs of the Markets, Market Houses, Market Places, Fairs, and Slaughter-houses from Time to Time used within the Borough, under the Acts of 1853, 1858, 1862, and this Act respectively:

Secondly, in Payment of the perpetual irredeemable Dividends on the Consolidated Stock provided for by the Act of 1853:

Thirdly, in Payment of the Interest on all Monies from Time to Time borrowed for the Purposes of the Markets, Fairs, and Slaughter-houses:

Fourthly, in setting apart from Time to Time from and after the First Day of *January* One thousand eight hundred and seventy such Sums as, with Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to purchase that Consolidated Stock, as by the Act of 1853 is provided, and all other Monies so borrowed:

Fifthly, the Surplus to be carried half-yearly to the Credit of the Borough Fund.

Application of Income from Cemetery.

91. The Corporation shall apply all Monies from Time to Time received by them under the Acts of 1858, 1862, and this Act, with respect

respect to the Cemetery and the Lands belonging thereto other than Monies borrowed, as follows:

Firstly, in Payment of the Expenses of and incident to the Management, Maintenance, and Repairs of the Cemetery:

Secondly, in Payment of the Interest on all Monies from Time to Time borrowed for the Purposes of the Cemetery:

Thirdly, in setting apart from Time to Time from and after the First Day of *January* One thousand eight hundred and sixty-six such Sums as, with Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to pay off the Monies from Time to Time borrowed:

Fourthly, the Surplus from Time to Time of such Monies shall be carried half-yearly to the Credit of the Borough Fund of the Borough.

Extending Section 46 of Act of 1862 to Elland.

92. And whereas the District of *Brighouse* and the District of *Elland* are both within the Limits of Water Supply prescribed by the Act of 1858: Therefore the Powers and Provisions contained in Section 46 of the Act of 1862, applicable to the Supply of Water by the Corporation to the District of *Brighouse*, shall also apply to the District of *Elland* in the same Manner as if the District of *Elland* had been included in that Enactment as well as the District of *Brighouse*.

Formation and Level of Streets.

93. It shall be lawful for the Local Board to alter, vary, raise, or lower the Level of any Street, Lane, Alley, or Passage within the District of the Borough, and determine of what Materials any such Street, Lane, Alley, or Passage shall be made or formed.

Compensation when Street Level prejudicially affects Owners.

94. If by the Alteration under the Provision last aforesaid of the Level of any Street, Lane, Alley, or Passage, repairable by the Inhabitants at large, the Approach to or existing Lights of any House or other Building in such Street, Lane, Alley, or Passage adjoining and connected therewith, shall be interfered with or prejudicially affected, then, and in every such Case, the Local Board shall pay to the Owner and Occupier of such House or other Building such Amount of Compensation for such Interference or Injury as shall be agreed upon between such Owner and Occupier and the Local Board; and if such Owner and Occupier and the Local Board cannot agree as to the Amount of such Compensation and the Proportions thereof to be paid to such Owner and Occupier respectively, then the Amount of such Compensation, and also the Proportions in which the Persons claiming the same are entitled thereto, shall be ascertained and settled under the Provisions of "The Lands Clauses Consolidation Act, 1845," incorporated herewith.

Saving existing Rights of Drainage.

95. Nothing in this Act contained shall take away or interfere with any existing Rights of Drainage into any Sewer, Drain, Stream, or Road forming Part of the Boundary of the Borough.

For Protection of Estate of Edward Akroyd, Esq., called Akroydon.

96. Whereas *Edward Akroyd* Esquire has set out an Estate called *Akroydon*, situate in the said Township of *Northowram* and within the Limits of the Borough, when extended as and for Sites for Dwellings for the Industrious Classes, with intended Streets of ample and sufficient Width, and of proper Levels: Be it therefore enacted, That the several Plans and Sections showing the proposed Construction of the said Buildings and Streets, Copies of which have been deposited with the Town Clerk and signed by the Mayor, shall be deemed to have been approved by the Local Board, under the Provisions of "The Public Health Act, 1848," and "The Local Government Act, 1858."

As to Construction of Conduit through Lands of Messrs. Browne.

97. The Conduit or other Works authorized by the Acts of 1853 and 1858 to be constructed in the Lands of *George Buckstone Browne* and *Henry Browne*, within the Township of *Ovenden*, shall be made and formed so as effectually to prevent the Corporation from taking any Spring or Stream of Water in those Lands.

For the Purposes of the Act to effect adjacent Improvements.

98. For the Purposes of the several Street Improvements and Works authorized by the Acts of 1853, 1858, and 1862, and this Act, or either of them, the Local Board or the Corporation may by Order, at any Time, and from Time to Time when they shall deem it necessary and beneficial for the Public, but with the Consent of the Owners of the Houses or other Property immediately adjoining thereto, alter, divert, stop up, or enclose the whole or Part of any Street, Alley, Way, or Passage affected by such Improvements or Works, and the Site of any Street, Alley, Way, or Passage so altered, diverted, stopped up, or enclosed, may be thrown into any adjoining Street or Way, or be used for any other Purpose connected with such Street Improvements or other Work.

Recovery of Expenses for the Removal of Accumulation.

99. Whenever the Local Board shall have removed any noxious or offensive Accumulation under the Provisions of the Public Health Acts, the Expenses of Removal, so far as the same are not covered by the Sale of the Accumulation so removed, shall be recoverable in a summary Manner from the Person to whom the same belonged before such Removal, or from the Occupier of the Premises from which the same were so removed.

As to Quality of Gas supplied by the Corporation.

100. The Gas supplied by the Corporation shall be of such illuminating Power as to produce from an Argand Burner having Fifteen Holes and a Seven-Inch Chimney, and consuming Five Cubic Feet of

of Gas *per* Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles, of Six in the Pound, burning One hundred and twenty Grains *per* Hour.

Corporation to provide an experimental Meter.

101. Within Three Months after the Commencement of this Act the Corporation shall erect in a suitable Room in the Town Hall an experimental Meter, connected with a Main from the Gasworks of the Corporation, such Meter to be furnished with an Argand Brass Burner, having an internal Diameter of Five Tenths of an Inch, and Fifteen Holes, each having a Diameter of One Hundredth of an Inch, and a Seven-Inch Chimney, and with other proper and sufficient Apparatus for testing the illuminating Power of the Gas, and the Corporation shall at all Times keep and maintain the experimental Meter and Apparatus in good Repair, and when necessary renew the same, and upon the Completion of such experimental Meter the Liability of the Corporation to provide and maintain the experimental Meter required by Section 13 of the Act of 1855 shall cease.

Power to Consumers to test the Purity of the Gas.

102. It shall be lawful for any Two Justices, on receiving a Requisition signed by not less than Ten Consumers of Gas of the Corporation complaining that the Gas supplied to them is not in their Judgment or Belief of the full illuminating Power prescribed by this Act, if they shall think fit, by Order in Writing under their Hands, to appoint some competent Person to proceed to the experimental Meter of the Corporation, and the Person so appointed may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Corporation, and in the Presence of the Superintendent or other Officer of the Corporation, make Experiment of the illuminating Power of the Gas of the Corporation by means of the experimental Meter and other Apparatus, and the Corporation and their Officers shall afford all reasonable Facilities and Assistance for making such Experiment; and if it shall thereupon be proved to the Satisfaction of the said Two Justices, after hearing the Parties, that the illuminating Power of the Gas supplied by the Corporation did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Corporation or their Officers refused to afford such reasonable Facilities as aforesaid, or wilfully hindered or prevented the making of such Experiment, in any such Case the Corporation shall forfeit such Sum, not exceeding Ten Pounds, as the said Justices shall determine.

Cost of testing Gas to abide the Event.

103. In the event of any such Penalty being imposed upon the Corporation, then the Cost of all Parties of and attending the testing of the Gas, including the Remuneration to be paid to the Person so testing the Gas, and the Costs of the Proceedings before the Justices, shall be ascertained by the Justices, and shall be paid, with the Penalty, by

by the Corporation; but in the event of no such Penalty being imposed on the Corporation, then the Costs shall be ascertained by the Justices, and shall be paid by the Persons signing the Requisition for such testing, and in either Event the Costs so ascertained shall be paid or levied accordingly.

2 G. 3. c. 40. repealed.

104. Notwithstanding anything in this Act contained or in Section 69 of the Act of 1823, from and after the Commencement of this Act the said Act 2 *Geo.* 3. Cap. 40. shall be and the same is hereby repealed: Provided always, that nothing herein contained shall prejudice or affect any of the existing Waterworks or Supplies of Water acquired under the said Act of 2 *Geo.* 3. Cap. 40. and now vested in the Corporation.

Saving Rights of the District Parishes of St. Paul's, Kingcross, and All Souls, Haley Hill.

105. Nothing in this Act contained shall affect the existing Churchyards or Burial Grounds of the Churches of the several District Parishes of *Saint Paul*, *Kingcross*, or *All Souls*, *Haley Hill*, or any Additions to such Churchyards or Burial Grounds which may hereafter be made under the Powers of the Burial Acts.

Saving Rights of Lancashire, &c. Railway Company.

106. Nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, and Authorities of the *Lancashire and Yorkshire* Railway Company.

Saving Rights of Canal Company.

107. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, and Authorities now vested in, or used, or exercised by the Canal Company, but all their Rights, Privileges, and Authorities may be had, exercised, and enjoyed, as if this Act were not passed.

Application of Section 140 of Act of 1858.

108. The Provisions of Section 140 of the Act of 1858 apply for the Benefit of the *Lancashire and Yorkshire* Railway Company and the Canal Company respectively as if the Rates by this Act authorized were Rates by that Act authorized.

Saving Rights of Sowerby Bridge Local Board.

109. Nothing in this Act shall take away, lessen, prejudice, or alter any of the Rights, Privileges, and Authorities of the *Sowerby Bridge* Local Board of Health.

Saving Rights of the Mortgagees of Waterworks.

110. Nothing in this Act shall prejudice any Priority or other Right, or any Remedy of any Person now or hereafter a Mortgagee of the Waterworks, under the Provisions of "The Public Health Supplemental Act, 1851," No. 3.

Saving Rights of Local Board.

111. Nothing in this Act shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities of the Local Board, under "The Public Health Act, 1848," or "The Local Government

Government Act, 1858," or any Act supplemental to those Acts respectively, but the several Powers by this Act granted to the Local Board shall be in addition to their several Powers under those Acts respectively.

Corporation, &c. not exempt from General Acts.

112. Nothing in this Act shall exempt the Corporation or the Local Board from the Provisions of any General Act passed relating to Municipal Corporations, or to the Public Health, or to Waterworks, or to Gasworks, or to Markets or Fairs, or to Cemeteries, or to Burial Grounds.

Commencement of Act.

113. This Act shall commence and take effect on and from the Fourth *Wednesday* next after the passing thereof.

Expenses of Act.

114. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act, shall be borrowed and paid by the Corporation and Local Board respectively out of Monies received by them under this Act, and in such Proportions as they may think fit.

SCHEDULE A.

Boundaries of Wards.

1. *Southowram Ward.*

So much of the Township of Southowram as lies within the Boundary of the Borough.

2. *Skircoat Ward.*

So much of the Township of Skircoat as lies within the Boundary of the Borough.

3. *East Ward, Halifax.*

Commence at the Centre of Lilly Lane Bridge, thence along and including the North Side of Lilly Lane to Church Street, thence along and including the South-east Side of Church Street, Square Road, Woolshops, Old Market, Northgate, Bridge Lane, near North Bridge, to the Centre of the Hebble Brook, at or near Bowling Dike, and from thence along and including the West Side of the Hebble Brook to the Centre of Lilly Lane Bridge.

4. *Market Ward.*

Commence at the Bottom of Lilly Lane Bridge, thence up and including the South Side of Lilly Lane to Church Street, thence along and including in a north-westerly Direction the westerly Sides of Church Street, the north-westerly Side of Square Road, the South Side of Woolshops from Square Road to Old Market, thence along and including the West Side of Northgate to Crossley Street, thence up and including the South Side of Crossley Street, John Street, to St. James's Road, thence along and including the East Side of St. James's Road, Swine Market, Cow Green, Bull Green, Barum Top, Harrison Road, Well Head Lane, to the Boundary of the Township of Halifax, thence in a straight Line in an easterly Direction along the same Boundary to Hebble Brook, and from thence along and including the West Side of the said Hebble Brook to Lilly Lane Bridge aforesaid.

5. *South*

5. *South Ward.*

Commence at the Boundary of the said Township of Halifax at the End of Well Head Lane, to proceed thence along and including the West Sides of Well Head Lane, Harrison Road, Barum Top, Cow Green, to the Bottom of Lister Lane, thence up and including the South Side of Lister Lane to Rhodes Street, thence along and including the westerly Side of Rhodes Street to Gibbet Lane, thence up and including the South Side of Gibbet Lane to the Boundary of the Township of Halifax at High Road Well, and from thence in a south-easterly Direction along the Boundary of the Township of Halifax to Well Head Lane aforesaid.

6. *West Ward.*

Commence at the Boundary of the Township of Halifax at High Road Well, thence along and including the North Sides of Gibbet Lane to Rhodes Street, thence along and including the East Side of Rhodes Street to Lister Lane, thence along and including the North Sides of Lister Lane to Cow Green, thence along and including the West Side of Cow Green and Swine Market to Pellon Lane, thence up and including the South-west of Pellon Lane to Birks Hall Lodge, thence across Potter Lane, down Green Lane, to the South-east Corner of Snake Hill Wood, thence in a straight Direction to the Hebble Brook at a Point about Two hundred Yards above Lee Mill, and from thence in a westerly and southerly Direction along the Boundary of the Township to High Road Well.

7. *Central Ward.*

Commence at a Point about Two hundred Yards above Lee Mill, upon the Hebble Brook, thence in a straight Line southerly to Birks Hall Lodge in Pellon Lane, thence along and including the North-east Side of Pellon Lane to St. James's Road, across St. James's Road, and down and including the North Sides of John Street, Crossley Street, to Northgate, thence along and including the West Side of Northgate to Bridge Street, thence down and including the West Side of Bridge Street to Hebble Brook at Bowling Dyke to the Boundary of the Township of Halifax, thence in a westerly Direction along the Hebble Brook to the Point first described at the Commencement of this Ward.

8. *North Ward.*

So much of the Township of Northowram as heretofore formed Part of the old Borough.

9. *Northowram Ward.*

So much of the Township of Northowram as lies within the Borough, beyond and exclusive of the North Ward.

10. *Ovenden Ward.*

So much of the Township of Ovenden as lies within the Boundary of the Borough.

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