

ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

***

cipal Corporation by a Charter of Incorporation dated the Twenty-second Day of *March* One thousand eight hundred and forty-eight, whereby the Powers and Provisions of the Act of the Sixth Year of *William* the Fourth, for the Regulation of Municipal Corporations, were extended to the Inhabitants of the Borough: And whereas by a Deed Poll dated the Eighteenth Day of *October* One thousand eight hundred and forty-eight, under the Hands and Seals of Trustees under the Improvement Act, it was witnessed, that they did transfer unto the Corporation all the Powers vested in them as such Trustees by the Improvement Act, or vested in the Trustees for executing that Act: And whereas by a Deed Poll dated the First Day of *January* One thousand eight hundred and forty-nine, under the Hands and Seals of Trustees under the Improvement Act, it was witnessed, that they did ratify and confirm the first-recited Deed Poll and the Transfer thereby made: And whereas a Provisional Order for the Application of the "Public Health Act, 1848," to the Borough of *Halifax*, was made by the General Board of Health on the Twenty-eighth Day of *July* One thousand eight hundred and fifty-one, and was confirmed by the "Public Health Supplemental Act, 1851 (No. 3.)," and a Copy of that Provisional Order is given in the Schedule (A.) to this Act annexed: And whereas the Supply of Water to the Borough is insufficient for the Inhabitants thereof, and it is expedient that Provision be made for the Extension of the Waterworks: And whereas by the "Public Health Supplemental Act, 1851, No. 3." it is enacted, that forthwith after the passing of that Act the Springs and Waterworks the Property of the Township of *Halifax* should be appraised and valued in manner therein mentioned, and that it should be lawful for the Corporation to borrow on Mortgage of the Water Rates under the Public Health Act, with the Consent of the General Board of Health, the Sum at which such Waterworks and Springs should be so appraised and valued, and out of such Monies first to pay off and discharge any Debt then due and owing in respect of such Waterworks, and any Interest due thereon, and to apply the Residue of such Monies in improving the said Township of *Halifax*: And whereas the said Springs and Waterworks have been duly appraised and valued at the Price of Thirty thousand Pounds, and which Sum is now secured by Mortgage of the Water Rates, and the Sum of Thirteen thousand Pounds, being the Amount of the Debts owing by the said Township upon the Security of the Waterworks, hath been paid, and the said Corporation, as Trustees of the Township of *Halifax*, now hold the Sum of Seventeen thousand Pounds, being the Residue of the Sum at which the said Springs and Waterworks were so valued as aforesaid, and the said Springs and Waterworks are now the Property of the Corporation: And whereas it is expedient that the Corporation should retain the said Principal Sum of Seventeen thousand Pounds at Interest, and

11 & 12 Vict. c. 63.

14 & 15 Vict. c. 103.

employ

employ the same in the first instance in the Extension of the Water-works as authorized by this Act, and should pay and apply the yearly Interest accruing due thereon at the Rate herein-after mentioned, and also the Principal Sum, as and when the Corporation shall deem it expedient to pay the same, for the exclusive Benefit of the Township of *Halifax*, as herein-after also provided: And whereas by the Market Act an Association was established for the Purpose of providing a new Market Place within the Township of *Halifax*, and by that Act it was provided that the Property of the Association should be vested in Trustees for the joint Benefit of the Proprietors: And whereas the present Capital of the Association is the Sum of Seven thousand seven hundred Pounds, the whole Amount of which has been paid up: And whereas *William Emmet* of *Halifax*, Esquire, *John Waterhouse* of *Well Head* in *Halifax*, Esquire, *Joseph Whiteley* of *Kirby Leas* in *Halifax*, Esquire, *William Hoyland* of *Halifax*, Gentleman, and *James Riley* of *Halifax*, Merchant, are now in the Possession or Receipt of the Rents, Issues, and Profits of the new Market Place and the Appurtenances as Trustees for the Proprietors thereof: And whereas the Corporation have agreed with the said *William Emmet*, *John Waterhouse*, *Joseph Whiteley*, *William Hoyland*, and *James Riley*, herein-after called the Trustees, as such Trustees as aforesaid (with the Consent of the Proprietors), for the Purchase of the said new Market Place, with the Appurtenances, upon the Terms herein-after mentioned: And whereas it is expedient that the Corporation should be empowered to provide a new Cattle Market and other Conveniences for the holding of Markets and the slaughtering of Cattle: And whereas it is expedient that the Corporation should be empowered to erect a Town Hall, Court House, Police Station, and Prison Cells for the Borough: And whereas it is expedient that the Local Board should be empowered to lay out and complete certain new Streets within the Borough, and that further and other Powers should be given for the Improvement of the Borough: And whereas such several Purposes 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):

Short Title.

I. That this Act may be cited for any Purpose as "The *Halifax* Improvement Act, 1853."

Commencement of Act.

II. That this Act shall commence and have Effect on and from the Fourth *Wednesday* next after the passing thereof.

III. That

Limits of Act.

III. That the Limits of this Act for the Supply of Water shall be the Municipal Borough of *Halifax*, and all Places within Two Miles therefrom.

Same Meanings to Words, &c., in incorporated Acts and this Act.

IV. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Execution of Act by Mayor, &c. of Halifax.

V. That, subject to the Powers and Provisions thereof, this Act shall be executed by the Mayor, Aldermen, and Burgesses of the Borough of *Halifax*, acting by the Council of the Borough.

Act to be executed by Corporation, pursuant to 5 & 6 W. 4. c. 76.

VI. That so far as this Act is to be executed by the Corporation it shall be executed by the Corporation acting pursuant to the Powers and Provisions of the Act of the Sixth Year of *William* the Fourth, for the Regulation of Municipal Corporations, and other Statutes and Laws from Time to Time in force affecting the Municipal Corporation of the Borough of *Halifax*.

Act to be executed by Local Board, pursuant to 11 & 12 Vict. c. 63.

VII. That so far as this Act is to be executed by the Local Board it shall be executed by the Local Board acting pursuant to the Powers and Provisions of "The Public Health Act, 1848," and any or every Act amending or extending the Provisions of that Act, or relating to the Subject Matter thereof, and all other Statutes and Laws from Time to Time in force affecting the Local Board of Health for the Borough of *Halifax*.

8 & 9 Vict. c. 18. incorporated with this Act.

VIII. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act.

Power to take Lands for Execution of Works according to deposited Plans.

IX. And whereas Plans and Sections, showing the Line, Situation, and Levels of the Waterworks by this Act authorized, and also Books of Reference thereto, containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands in or through which the Waterworks are intended to be made or to pass, and the Streams and Waters which are intended to be taken, interfered with, or used for the Purposes of this Act, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Therefore the Corporation, subject to the Provisions of this Act, may, in consideration of a Sum in gross, or of an annual Rentcharge, enter upon, take, interfere with, and use such of those Lands, Streams, and Waters respectively, or any Easement, Power, or Authority in or over the same, as they think requisite for the several Purposes of this Act.

X. That

Period for compulsory Purchase of Lands, &c. limited.

X. That the Powers of the Corporation for the compulsory Purchase of Lands, Streams, and Waters for the Purposes of this Act shall not be exercised after the Expiration of Five Years after the passing of this Act.

Lands for extraordinary Purposes.

XI. That the Lands, other than the Lands delineated on the deposited Plans to be taken by the Corporation for any of the Purposes of this Act, shall not exceed Eighty Acres: Provided always, that the total Amount of the Land so to be taken from Parties under Disability or Incapacity shall not exceed Fifty Acres.

Power to purchase and rent Lands by Agreement.

XII. That the Corporation may by Agreement purchase and acquire any Lands, Streams, and Waters which they think requisite for any of the Purposes of this Act, on such Terms and Conditions as they think fit; and if any such Lands be Common or Waste Lands the Provisions with respect to any such Lands, being Common or Waste Lands, of the Lands Clauses Consolidation Act, 1845, shall be applicable.

Leases, &c. by incapacitated Persons.

XIII. That the Persons empowered by the "Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to make to the Corporation Grants of any Lands, Streams, and Waters, and any Easements, Powers, and Interests in and over Lands, Streams, and Waters respectively, in consideration of a fixed and invariable annual Rentcharge, and the Corporation may subsequently purchase the Discharge thereof from the Rents, Covenants, or Obligations reserved or contained in any such Grant.

Rents, &c. in Leases from incapacitated Persons.

XIV. That in every Grant to the Corporation under this Act, in consideration of a fixed and invariable annual Rentcharge, of any Lands, Streams, Waters, Easements, Powers, or Interests, from any Person under Disability or Incapacity to sell and convey Lands otherwise than under this Act, there shall be reserved the best yearly Rent or Remuneration obtainable for the same, and a Fine, Premium, or Foregift shall not be paid for any such Grant.

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

XV. That all Lands, Franchises, Easements, Interests, Powers, and Privileges from Time to Time purchased or otherwise acquired by the Corporation by or under this Act, or by this Act vested in the Corporation, shall be vested in them as Part of their Corporate Estates.

10 & 11 Vict. c. 17. incorporated with this Act.

XVI. That "The Waterworks Clauses Act, 1847," shall be incorporated with this Act, and the Expression "the Undertaking" in that Act includes the existing Waterworks and the Waterworks by this Act authorized.

Power to make Waterworks.

XVII. That, subject to the Powers and Provisions of this Act, the Corporation from Time to Time may make and maintain the Waterworks by this Act authorized to be made in the Line, on the Levels, and in and upon the Lands delineated in that Behalf on the Plans and Sections, and described in that Behalf in the Books of Reference, respectively deposited as aforesaid.

Waterworks authorized to be made as herein described.

XVIII. That the Waterworks by this Act authorized to be made comprise the following Works; (to wit,)

First, a Reservoir on *Ogden Clough*, *Skirden Clough*, and *Hebble Brook*, at or near *Ogden* in the Township of *Ovenden* in the Parish of *Halifax* in the West Riding of the County of *York:*

Secondly, a Reservoir at or near and on the West Side of the Village of *Mixenden* in the Township of *Ovenden:*

Thirdly, a Reservoir on *Warley Moor* at or near and on the West Side of *Fly* in the Township of *Warley* in the Parish of *Halifax:*

Fourthly, a Reservoir on *Luddenden Brook* at or near *Castle Carr* in the Township of *Warley*, and in the Township of *Midgley*, or One of them, in the Parish of *Halifax:*

Fifthly, an Aqueduct or Conduit commencing at a certain Stream or Clough near to and on the West Side of a certain Farmhouse called *Old Chapel* in *Mixenden*, and terminating at and in the intended Reservoir at or near *Ogden*, all within the Township of *Ovenden:*

Sixthly, an Aqueduct or Conduit commencing at the intended Reservoir at or near *Ogden*, then passing by or through the intended Reservoir at or near the Village of *Mixenden*, and terminating at the *Victoria* Reservoir of the *Halifax* Waterworks in the Township of *Halifax* in the Parish of *Halifax*, the Property of the Mayor, Aldermen, and Burgesses, which Aqueduct or Conduit will pass from, in, through, or into the Township of *Ovenden* and the Township of *Halifax* in the Parish of *Halifax:*

Seventhly, a Branch in *Dodgson Clough* from the last-mentioned Aqueduct or Conduit to connect therewith certain Springs in *Dodgson Clough*, the Property of the Mayor, Aldermen, and Burgesses, which Branch will be wholly within the Township of *Ovenden:*

Eighthly, an Aqueduct or Conduit commencing on *Midgley Moor* at or near *Low Brown Knoll Flat* in the Township of *Midgley*, and terminating at the intended Reservoir on *Warley Moor*, which Aqueduct or Conduit will pass from, in, through, or into the Townships of *Midgley* and *Warley* and the Hamlet of *Far Oxenhope* in the Township of *Haworth* in the Parish of *Bradford* in the said West Riding:

Ninthly,

Ninthly, an Aqueduct or Conduit from the intended Reservoir on *Warley Moor* to the *Luddenden Brook* at or near the Northerly End of *Lower Shore End Wood*, which Aqueduct or Conduit will be wholly within the Township of *Warley*:

Tenthly, an Aqueduct or Conduit commencing at *Back Clough* at or near a Place called *Lower Cabin* in *Shore End Wood*, and terminating at and in the intended Reservoir at or near *Castle Carr*, which Aqueduct or Conduit lies wholly within the Township of *Midgley*:

Eleventhly, an Aqueduct or Conduit commencing at the intended Reservoir at or near *Castle Carr*, and terminating by a Junction with the secondly-mentioned Aqueduct at or near a Place called *Ramsden Wood* in the Township of *Ovenden*, which Aqueduct or Conduit will pass from, in, through, or into the Townships of *Warley* and *Ovenden*:

Twelfthly, the obtaining of Water for all or any of the Purposes of the Waterworks from certain Lands, Brooks, and Streams in those several Townships, Parishes, and Places, or some of them, which Water now flows or proceeds directly or derivatively into the River *Calder*, and the *Hebble Brook* and *Luddenden Brook*, and also into the *Rochdale* Canal, and the *Calder and Hebble* Navigation, and the *Aire and Calder* Navigation.

As to Construction of Embankment for Reservoir at Castle Carr.

XIX. Provided always, That the Embankment for the Reservoir at *Castle Carr* shall be constructed at a Point not higher up the *Luddenden Brook* than the Site as shown upon the Plans deposited for the Purposes of this Act, and such Embankment shall not be made of a Height exceeding in any Part Sixty Feet above the Bed of the Brook at such Point.

Limits of Deviation.

XX. That, subject to the Powers and Provisions of this Act, the Corporation, in the Execution of the Waterworks, may deviate from the Lines of the Waterworks delineated on the Plans deposited as aforesaid to any Extent within the Limits of Deviation in that Behalf delineated on those Plans, and may deviate from the Levels of such Works as delineated on the Section thereof deposited as aforesaid to any Extent not exceeding Five Feet.

Power to Local Board to take Water from certain Brooks and Streams.

XXI. That, subject to the Provisions of this Act, the Corporation from Time to Time may take, store up, and appropriate the Waters of the Streams and Brooks called *Ogden Clough*, *Skirden Clough*, *Hebble Brook*, *Middle Grain Beck*, *Carrs Beck*, *Binn's Hole Beck*, *Ramsden Clough*, *Dodgson Clough*, *Back Clough*, *Horse Pasture Clough*, *Bare Clough*, *Little Spa Clough*, *Luddenden Brook*, *Clunter Clough*, *Fulshaw Clough*, *Height Clough*, and *Vicarman Clough*, and also all Brooks, Rivulets, Springs, Streams, and Surface Drainage which

which will flow into or be intercepted by the said intended Reservoirs and Conduits, except between the Fields numbered on the Plans deposited for the Purposes of this Act 44 and 75 in the Township of *Warley*.

Quantity of Water to be discharged for the Supply of the several Streams.

XXII. That the Corporation shall cause to flow from and out of such Reservoirs or other Works by this Act authorized, or from the Feeders thereof, for the Supply of the Mills, Factories, and other Works on the following Brooks and Reservoirs, a Quantity of Water (as Compensation Water) after the Rate and during the Times and in the Proportions following; namely,

1. Down the *Hebble Brook* a Quantity of Water not being less than Three Cubic Feet and Two Thirds of a Cubic Foot *per* Second during Twelve Hours of every working Day:
2. Down the *Luddenden Brook* a Quantity of Water not being less than Four Cubic Feet *per* Second during Twelve Hours of every working Day;
3. For the Supply or Use of the Reservoirs in the Township of *Warley* called *Haigh Cote* and *Leadbeater* Reservoirs a Quantity of Water, not being less than One Cubic Foot and One Third of a Cubic Foot of Water *per* Second during Twelve Hours of every working Day, when and so soon as the Proprietors of such Reservoirs shall construct the necessary Conduits for receiving the same (which Conduits shall be maintained by the Proprietors of the said Reservoirs), such Supply to be given from the intended Conduit or Watercourse of the Corporation leading from the intended *Warley Moor* Reservoir to the *Luddenden Brook*, as shown upon the said deposited Plans, and until such Supply shall be so given the Quantity of Water to be sent down the *Luddenden Brook* shall not be less than Five Cubic Feet of Water and One Third of a Cubic Foot of Water *per* Second during Twelve Hours of every working Day.

As to the Mode of regulating the Times and Proportions of discharging the Compensation Water.

XXIII. Provided always, That the Times and Proportions in which such daily Quantities of Water shall be discharged into the several Streams and Reservoirs aforesaid shall or may from Time to Time be regulated and determined by the Majority of the Occupiers of the several Mills and Works now erected or hereafter to be erected, and who may be interested in such Supply of Water in each Case respectively, so as such gross daily Quantity of Water in each Case be not thereby increased.

Compensation Water to be discharged before appro-

XXIV. Provided also, That the Corporation shall not appropriate any Water of either of those Brooks or their respective Tributaries until they have so discharged such respective Quantities of Water for the Supply of the Mills, Factories, and other Works on the said Brooks

Brooks and Reservoirs, nor until they shall have erected the Gauges on the said Brooks and Places respectively for ascertaining the Quantity of Water in each Case to be discharged down the same. priating Water.

XXV. That the Corporation shall erect and construct, and for ever after maintain, upon the several Streams and Places, suitable Measuring Gauges over or through which those respective Quantities of Water shall flow or be discharged; and the Gauges shall be respectively open to the Inspection and Examination of the Owners and Occupiers of the several present and future Mills and Works interested in the Water so to flow or be discharged through or over the same. Gauges to be erected.

XXVI. Provided always, That the Gauge through or over which the Water to be sent down the *Hebble Brook* shall be measured shall be placed within One hundred Yards of the Foot of the Embankment of the Reservoir firstly herein-before described; that the Gauge through or over which the Water to be sent down the *Luddenden Brook* shall be measured shall be placed on the *Luddenden Brook* within the Distance of Fifty Yards below the Point of Junction of the Conduit of the *Warley Moor* Reservoir with the *Luddenden Brook*; and that the Gauge through or over which the Water to be supplied to the Proprietors of the *Haigh Cote* and *Leadbeater* Reservoirs shall be measured shall be placed at some convenient Point on the Line of the Conduit from the *Warley Moor* Reservoir to the *Luddenden Brook*, to be selected or determined by the Proprietors, not being at any Point less than One thousand two hundred Feet above the Level of the Sea. Positions of the Gauge for measuring Water.

XXVII. That if at any Time the Gauges on either of the said Brooks or Reservoirs shall be in an unfit State of Repair or Condition for the Purposes for which they are intended, the same shall be forthwith put into a proper and efficient State of Repair and Condition by and at the Expense of the Corporation, or if they fail so to do within Seven Days after Notice given to them by or on behalf of any Three of the Occupiers of the Mills and Works, or any of them, interested in the Supply of Water to pass through or over the same, requiring the Corporation so to do, it shall be lawful for the said Occupiers or any of them to cause such Works to be done and performed in connexion with the said Gauges as shall be necessary for placing them in a proper and efficient State and Condition, and to recover the Expense of such Works, with full Costs of Suit, against the Corporation, in any Court of competent Jurisdiction. Millowners may repair Gauges, if Corporation fail to do so.

XXVIII. That if from any Cause whatever, after beginning to supply the Compensation Water herein-before provided, the Corporation shall Penalty on Failure to supply the

stipulated Quantity of Water.

shall at any Time not furnish such Supply of Compensation Water as aforesaid, the Corporation shall pay to each and every of the Occupiers for the Time being of the several Mills, Factories, and other Works entitled to such Supply the Sum of Ten Pounds for every working Day during which such Supply shall not be furnished, such Sum of Ten Pounds *per* Day to be by way of liquidated Damages, and not of Penalty, and in full Compensation and Satisfaction for the Want of such Water as aforesaid, and to be from Time to Time recovered in the Manner prescribed by "The Waterworks Clauses Act, 1847," with respect to the Recovery of Penalties and of Damages not specially provided for: Provided always, that in case of any Mill, Factory, or other Work being in the Occupation of several Persons, no greater Penalty than Ten Pounds *per* Day shall be payable by the Corporation in respect of that Mill, Factory, or other Work, and the Failure to supply Compensation Water thereto; provided also, that in case any Person shall be the Occupier of more than One separate and distinct Premises used as Mills, Factories, or other Works he shall be entitled to recover such Penalty of Ten Pounds *per* Day in respect of each such separate and distinct Premises.

Compensation to Owners of Property for Damage in case of bursting of Reservoirs.

XXIX. That the Corporation shall at all Times hereafter pay and make good to the Owners and Occupiers of Mills, and every other Person or Corporation, all Loss, Costs, Damages, and Expenses whatsoever which they may respectively suffer, sustain, incur, or be put unto by reason of the bursting, breaking down, leaking, or giving way of any of the Reservoirs to be constructed under the Authority of this Act, or any Embankment or other Work connected therewith, or from the improper Construction of such Reservoirs and Works, or any of them, or from the Want of Repair thereof or of any Work connected therewith, whether the same shall result from any Act or Negligence of the Agents or Servants of the said Corporation, or from any inevitable Accident whatsoever.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

XXX. And in order to provide against Accidents to Life or Property by the bursting of any Impounding Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices acting for the West Riding of the County of *York*, by the Owners or Occupiers of Dwelling Houses, Mills, or Factories rated in the aggregate to the Poor's Rate to the Value of Three hundred Pounds *per Annum*, situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir, in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied by the Evidence of a competent Engineer

Engineer that such Embankment is in a dangerous State, they shall by Writing under their Hands order and require the Corporation, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Corporation shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two other Justices acting for the said West Riding, have repaired the same Embankment or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Corporation, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Embankment shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices as aforesaid, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal, as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; (that is to say,)

'To *A. B.*

'WE, the undersigned, Two of Her Majesty's Justices of the 'Peace acting for the West Riding of the County of York, do 'hereby order and direct you, and such Person or Persons as you 'may require to aid and assist you therein, forthwith to do all such 'Acts as may be necessary to lower the Water in a certain Reservoir 'known as the Reservoir by the Space of 'Feet or thereabouts, and to keep the same at that 'Level until you shall be further instructed by us, or by Two other 'Justices of the Peace acting for the said Riding; and you shall do 'as little Injury as possible to the Property of the Corporation; and 'in acting in obedience to the Premises this shall be your sufficient 'Warrant.

'Given under our Hands, this Day of in the 'Year of our Lord

(Signed) 'C. D.
'E. F.'

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence

be

be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Corporation, and shall hear and consider any Evidence that may be tendered on behalf of the Corporation against the making of such Order; provided also, that if the Corporation shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper; and all the Costs, Charges, and Expenses of applying for, obtaining, enforcing, and attendant upon such Order shall be in the Discretion of the said Justices or of the said Court of Quarter Sessions, as the Case may be.

Power to Occupiers of Mills to hold Meetings to regulate Supply of Water.

XXXI. That the Occupiers of the several Mills and Works situate on each of the said Brooks called the *Hebble Brook* and *Luddenden Brook*, and on the Stream supplied from the said Reservoirs called *Haigh Cote* and *Leadbeater* Reservoirs, shall hold separate Meetings for determining the Time and Mode of supplying the said Compensation Water for the Use of the said Mills and Works; and the First Meeting of each Class of such Occupiers shall be called by a Circular Letter signed by a Majority of such Occupiers, and addressed to and left for every such Occupier at the Mill or Works of which he is such Occupier; and at each such Meeting the Occupiers present shall appoint a Chairman to preside at such Meeting, and shall have Power to make Byelaws for regulating their future Proceedings, and the Mode of calling and Time of holding their future Meetings, and the Mode of voting thereat, and the Powers to be exercised by such Occupiers at such Meetings; and such first and every subsequent Meeting of such Occupiers shall have Power to fix and determine from Time to Time the Number of Hours and the Rates and Times of commencing and terminating the Discharge of the Compensation Water down the said Brook or Stream from and out of the Reservoirs and Works of the Corporation, and shall also have Power to adjourn from Time to Time and from Place to Place until the Business for which such Meeting was convened shall have been finished; and at every such Meeting the Decision of the Majority of the Occupiers present thereat shall bind the Minority, and also the absent Occupiers; and if at the Time of holding any such Meeting any Mill or Works on such Brook or Stream, and so entitled to the Use of such Compensation Water, shall be unoccupied, the Owner of such Mill shall be

be deemed to be the Occupier thereof, and shall be entitled to attend and vote as such at all Meetings of the Occupiers of Mills and Works on such Brook or Stream: Provided always, that only One Occupier in respect of each Mill or Works shall be entitled to join in convening or to vote at any such Meeting; provided also, that at the First Meeting of each Class of Occupiers every Occupier shall have One Vote in respect of each Mill or Waterwork then held by him; provided also, that in respect of the Compensation Water to be supplied into the said Reservoirs called the *Haigh Cote* and *Leadbeater* Reservoirs the Occupiers of the Mills and Works on the *Luddenden Brook* between the Junction therewith of the Stream called the *Cold Edge Brook* and the Junction of the *Luddenden Brook* with the River *Calder* shall be deemed to be Occupiers interested in the Compensation Water to be supplied into the said Reservoirs, and shall be entitled to attend and to vote at all Meetings of such Occupiers: Provided always, that the Occupiers on the *Cold Edge Brook* and the Occupiers upon the *Luddenden Brook* in respect of their Interests in the said Reservoirs shall, in respect of the Compensation Water to be supplied to the said Reservoirs and down the *Cold Edge Brook*, be subject to the same Agreements and Regulations as shall for the Time being be in force between the said Occupiers for regulating the Use and Enjoyment of the said Reservoirs and of the Water flowing down the said *Cold Edge Brook*.

Resolutions of Mill-owners to be acted upon by the Corporation.

XXXII. That the Resolutions of every such Meeting of Occupiers regulating the Supply of Compensation Water down the Brook or Stream in which such Occupiers are interested shall from Time to Time be communicated in Writing under the Hand of the Chairman of such Meeting for the Time being to the Town Clerk of the Borough of *Halifax*, and shall be acted upon by the Corporation in the several Particulars to which such Resolutions shall relate, from and after the Expiration of Seven Days from the Receipt of such Notice.

If Occupiers fail to give Notice, Compensation Water to be supplied.

XXXIII. That if the Occupiers of the Mills and Works on either of the said Brooks or Streams shall fail to give Notice to the Corporation of the Number of Hours and of the Rates and Times of commencing and terminating the Supply of Compensation Water down such Brook or Stream, then and in every such Case, and until such Notice shall be given, the Corporation shall cause the Quantity of Compensation Water by this Act required to be discharged down such Brook or Stream to be discharged down the same continuously and in equal Flow between the Hours of Six in the Morning and Six in the Evening of each working Day.

Water supplied to Mills to be taken as full Compensation.

XXXIV. That when the Corporation shall commence and so long as they shall continue to discharge from and out of their said Reservoirs and Works the due Quantity of Compensation Water in manner aforesaid, the same shall be accepted and taken by the Owners and Occupiers of all Waterfalls, Mills, Factories, and other Works on the said Brooks, and on the said Reservoirs called *Haigh Cote* and *Leadbeater* (be the same now or hereafter occupied or erected), below the respective Gauges through or over which the Compensation Water is to be discharged, as full Compensation in respect of such Waterfalls, Mills, Factories, and other Works, for all Water which the Corporation can collect or divert from the Lands draining to the Works authorized by this Act.

Saving Rights of Millowners.

XXXV. That as between the several Owners, Lessees, and Occupiers of Lands, Waterfalls, Mills, and Works upon the *Hebble Brook*, nothing in this Act contained shall be construed to affect, diminish, prejudice, or alter in any Manner whatsoever any Right which before the passing of this Act such Owners, Lessees, and Occupiers lawfully possessed or enjoyed to the Use or Storage of the Waters of the said Brook: Provided always, that this Enactment shall not affect, diminish, prejudice, or alter the Powers by this Act given to the Corporation.

Not to interfere with Drainage flowing into certain Reservoirs.

XXXVI. That nothing herein contained shall be construed to authorize the Corporation in any way to interfere with the Drainage now flowing into the said *Haigh Cote* and *Leadbeater* Reservoirs, or into the Stream leading from the said Reservoirs to *Kellbrook*.

Springs between Mixenden Reservoir and the Tunnel at Delf Hill not to be abstracted.

XXXVII. That the Conduit to be constructed between the *Mixenden* Reservoir and the Tunnel at *Delf Hill* shall be formed in such a Manner as will effectually prevent the said Conduit from catching or taking off the Waters of any of the Springs, Streams, or Surface Drainage between the said Reservoir and the Northern End of the said Tunnel, and such Springs or Streams shall be effectually conveyed under or over such Conduit.

Period for Completion of Waterworks.

XXXVIII. That the Waterworks shall be completed within Ten Years after the passing of this Act, and on the Expiration of that Period the Powers of the Corporation for making the Waterworks or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that the Corporation from Time to Time may enlarge and extend their Water Mains and Pipes, whenever they think it necessary, for supplying Water within the Limits in that Behalf of this Act.

XXXIX. And

As to Construction and Use of Aqueducts through Lands of Richard Greville, Esq., &c.

XXXIX. And whereas *Richard Greville* Esquire and *Eleanor Susanna Emmott* his Wife are or claim to be the Owners of several Farms, Messuages, Dwelling Houses, Lands, and Premises called the *Upper Ings*, the *Lower Ings*, *Brook House*, and *Goose Clough*, and of various Lands on the West and South Sides of the *Ogden* Reservoir, and also of a certain Mill and Works called *Brook House* Mill, all situate in, at, or near *Mixenden*, and within the said Township of *Ovenden:* And whereas the said Farms, Messuages, Dwelling Houses, Lands, and Premises are now supplied with Water by means of various Springs and Streams of Water, and other Waters to which the Owners of the said Properties are or claim to be absolutely entitled, and such Water is used by the said *Richard Greville* and *Eleanor Susanna Emmott* his Wife, and their Tenants, for agricultural and domestic Purposes, and for irrigating the said Lands: Be it enacted, That the Aqueduct or Conduit or Catchwater Drain in this Act fifthly described and authorized shall, where the same is made through the Lands of the said *Richard Greville* and *Eleanor Susanna Emmott* his Wife, in the said Township of *Ovenden*, be an open Channel for the receiving and Conveyance of Flood Waters only, and not for the Collection or Diversion of the said Waters, Springs, Streams, and Brooks in their ordinary State when unswollen by Rain flowing over or through the said Lands; and the Corporation shall cause the said Springs, Streams, and Brooks intersected by the said Aqueduct to be carried either over or under the same so as to preserve the Flow of the said Springs, Streams, and Brooks in their State aforesaid, and in their ordinary Channels; and the Corporation shall, at their own Expense, construct and for ever maintain over the said Aqueduct such Number of good and sufficient Bridges as may be required for the Accommodation and convenient Occupation of the Lands severed by the said Aqueduct; and if any Difference shall arise between the Owners or Occupiers of the said Lands and the Corporation respecting the Construction of any such Accommodation Works, or the Kind or Size or Sufficiency thereof, or respecting the Maintenance thereof, the same shall be determined by Justices in the Manner provided by the "Waterworks Clauses Act, 1847," incorporated with this Act, with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks.

As to Construction of Conduits through the Lands of Richard Greville, Esquire.

XL. That the Conduit to be constructed by the Corporation from the *Ogden* Reservoir to the *Mixenden* Reservoir through the Lands of the said *Richard Greville* and *Eleanor Susanna Emmott* his Wife shall be so placed below the Surface of the Ground as not to form a superficial Severance of the Lands through which the same shall be made, or to endanger the Passage of Waggons, Carts, and agricultural Implements over the same, or to interfere with the Cultivation and Occupation of such Lands.

XLI. That

Water for domestic, agricultural, and irrigating Purposes reserved to Richard Greville, Esquire.

XLI. That the said *Richard Greville* and *Eleanor Susanna Emmott* his Wife, their Heirs, Assigns, Lessees, and Tenants, may appropriate, from the Springs, Streams, and Brooks lying on the Northerly and Westerly Side of the said last-mentioned Conduit, so much of the Waters of the said Springs, Streams, and Brooks as they may for the Time being require for their domestic Use, and for agricultural Purposes, and for irrigating the Lands lying on the same Side of the said Conduit; and the Corporation shall furnish to the said *Richard Greville* and *Eleanor Susanna Emmott* his Wife, their Heirs, Assigns, Lessees, and Tenants of the Lands and Buildings on the Southerly and Easterly Side of the last-mentioned Conduit, for their domestic Use, and for agricultural Purposes, and for irrigating their said Lands, so much Water as shall be required to provide for all the before-mentioned Purposes: Provided always, that if the Corporation shall prefer, in lieu of furnishing such Supply of Water for irrigating the Lands on the Southerly and Easterly Side of the said Conduit, to make to the Owners and Occupiers of such Lands Compensation for the Loss of such Water, and for the Injury thereby occasioned to such Lands, it shall be lawful for them so to do; such Compensation, in case of Difference, to be determined in the Manner provided by the "Lands Clauses Consolidation Act, 1845," for settling Cases of disputed Compensation.

Certain Springs belonging to Messrs. Taylor not to be taken.

XLII. And whereas *Thomas Taylor* is or claims to be the Owner in Fee of a certain Farm, Messuages, Dwelling Houses, and Premises called *Stodfold*, and the said *Thomas Taylor* and *James Taylor* are or claim to be the Owners in Fee of a certain Mill and Works called *Hays* Mill, and of Dwelling Houses, Cottages, and Lands adjoining thereto or connected therewith, all which Hereditaments are situate at or near *Mixenden*, and within the said Township of *Ovenden*: And whereas the said Farm, Messuages, Dwelling Houses, Cottages, Mill, and Lands are now supplied with Water by means of various Springs and Streams, and such Water is used by the said *Thomas Taylor* and *James Taylor*, and their respective Tenants, for agricultural and domestic Purposes, and for irrigating the said Lands, and supplying the Reservoirs of the said Mill: And whereas the Corporation have agreed to preserve unto the said *Thomas Taylor* and *James Taylor* respectively, their Heirs and Assigns, and their respective Tenants, the said Springs and Streams and the Flow thereof as now possessed and enjoyed by them, except the Waters of the Stream called *Old Chapel Stream* and of the Stream from *Parsley Beds* now respectively flowing across the Site of the said intended Reservoir to be called *Mixenden* Reservoir, save so much of the Waters of such Streams as may be required for the domestic Use of the Inhabitants of the Houses for the Time being erected on the said Lands and Property of the said *Thomas Taylor* and *James Taylor*, or either of them

them, their or his Heirs or Assigns, and also of the Houses already supplied or entitled when erected to be supplied with Water from the said Springs or either of them, under Stipulations and Agreements entered into by the said *Thomas Taylor* and *James Taylor*, or either of them, prior to the Twenty-sixth Day of *April* One thousand eight hundred and fifty-three: Be it therefore enacted, That, notwithstanding anything in this Act contained, the said Corporation shall not be entitled to divert or appropriate the Waters of any of the Springs or Streams so now belonging to or used by the said *Thomas Taylor* and *James Taylor*, and their respective Tenants, save and except the Waters of the said Stream called *Old Chapel* and of the said Stream from *Parsley Beds*.

A Supply of Water for domestic Purposes to be furnished only of other Springs.

XLIII. That the Corporation shall, at all Times after they shall have impounded the Waters of the said Stream called *Old Chapel* and of the said Stream from *Parsley Beds*, in the *Mixenden* Reservoir, permit to flow out of such Reservoir down the present Channels so much Water as may for the Time being be required for the domestic Use of the Inhabitants of the Houses for the Time being erected on the Lands and Property of the said *Thomas Taylor* and *James Taylor*, or either of them, their or his Heirs and Assigns, and also of the Houses already supplied or entitled when erected to be supplied with Water from the said Springs or either of them, under Stipulations and Agreements entered into by the said *Thomas Taylor* and *James Taylor*, or either of them, on or before the Twenty-sixth Day of *April* One thousand eight hundred and fifty-three; and if the Corporation shall at any Time fail to send down the said Channels a sufficient Supply of Water for such domestic Purposes as aforesaid the Corporation shall be liable to a Penalty not exceeding Ten Pounds for every Day during which they shall so fail to furnish such sufficient Supply of Water for such Purposes.

As to Construction of Conduit to Mixenden Reservoir.

XLIV. That the Conduit to be constructed from the *Ogden* Reservoir to the *Mixenden* Reservoir shall be formed in such Manner as will effectually prevent the said Conduit from catching or taking off the Waters of any of the Springs or Streams by this Act preserved for the Benefit of the said *Thomas Taylor* and *James Taylor*, their respective Heirs and Assigns, and from draining any of their or his Lands upon or through which the said Conduit shall be constructed.

Certain Spring to be diverted at Mixenden Green.

XLV. That before the Corporation commence the Construction of the *Mixenden* Reservoir the Spring now running through the *Sun Fold* at or near *Mixenden Green* into the *Old Chapel Spring* on the Site of the *Mixenden* Reservoir shall be diverted by the Corporation from a Point immediately above the Top-water Level of the said

Reservoir, and the Waters thereof carried round the Northern End of the said Reservoir into the *Old Chapel Spring* aforesaid, within Twenty Yards of the Foot of the Embankment on the Eastern Side of the said Reservoir.

Nothing herein contained to give new Rights to Messrs. Taylor.

XLVI. Provided always, That nothing herein-before contained shall give to the said *Thomas Taylor* and *James Taylor*, or either of them, any Rights in or to the said Springs or Streams other than such as they were lawfully possessed of or entitled to prior to the passing of this Act.

As to Construction of Catchwater Drain.

XLVII. That the proposed Catchwater Drain from *Old Chapel* to the *Ogden* Reservoir shall not be constructed so as to extend in a Southerly Direction beyond the Field numbered upon the deposited Plans of the Waterworks 510 in the Township of *Ovenden*.

Certain Springs to be conveyed either over or under the Catchwater Drain.

XLVIII. That the Corporation shall cause the Waters of the Springs called *Spring Clough* and *Binn's Hole Clough* to be conveyed either under or over the proposed Catchwater Drain near *Height* and *Huntershill* so as to preserve the free Flow of all the Waters of the said Springs in their present Channels.

Corporation may purchase Rights reserved to Messrs. Taylor.

XLIX. That the Corporation, subject to the Powers and Provisions of this Act, may at any Time hereafter purchase by Agreement, but not by Compulsion, the respective Rights and Privileges herein-before reserved to the said *Thomas Taylor* and *James Taylor* or either of them, their or his Heirs and Assigns, and their or his respective Tenants, out of and from the before-mentioned Springs and Streams.

Power to purchase Dean Head Reservoir.

L. And whereas the existing Reservoir on the *Luddenden Brook* called the *Dean Head* Reservoir, situate partly in the Township of *Midgley* and partly in the Township of *Warley*, can be conveniently used by the Corporation for the Purposes of this Act: Therefore the Corporation may purchase, by Agreement with the Proprietors and Occupiers thereof, the whole of their Estate and Interest in the said Reservoir called *Dean Head*, and in all the Works connected therewith, and may take upon themselves the Payment of all reserved and Quit Rents now payable by such Proprietors of the said Reservoir in respect thereof, and may indemnify them from all further Liability in respect of such Rents; and any Agreement for such Purchase already entered into on behalf of the Corporation with such Proprietors shall be valid and binding on the Corporation.

Buildings at or near to Castle Carr

LI. That no House or Building shall be erected permanently upon any Land which may be taken or used by the Corporation under the Provisions

Provisions of this Act at or near to *Castle Carr*, other than such as may be required for carrying on and superintending the Waterworks of the Corporation, and any House or Building to be erected on such Land for the last-mentioned Purposes shall be built in an appropriate and ornamental Style, and no Steam Engine shall be erected and continued on such Land, except during and for the Construction, Alteration, or Repairs of the Works.

to be erected in a certain Manner.

LII. That the Embankment of the *Castle Carr* Reservoir shall be sown with Grass Seeds or sodded with Green Sward, and permanently kept as Grass Land, and a permanent Iron Fence shall be erected and for ever maintained by the Corporation round the said Reservoir, at a Distance of Six Yards from the Water's Edge, so that the Lands of the said *Joseph Priestly Edwards* extend to the Top-water Level of the said Reservoir, nevertheless the Space between such Fence and the Top-water Level of the said Reservoir shall be left open and unbuilt upon by the said *Joseph Priestly Edwards*, the Corporation having Liberty at all Times, for the Purposes of their Waterworks, to enter upon such Space, doing no unreasonable Damage; and the Corporation shall also be at liberty to enter upon the Lands of the said *Joseph Priestly Edwards* adjoining upon and leading to the said Reservoir beyond the said Fence, making reasonable Compensation for any Damage occasioned thereby, but no Deposit shall be suffered to remain upon any of the Land adjoining the said Reservoir on any Account whatsoever, without the Consent of the said *Joseph Priestly Edwards*, his Heirs or Assigns, except upon a Portion of Land not exceeding One Statute Acre in Extent, to be selected by the said *Joseph Priestly Edwards*, his Heirs or Assigns, within Two hundred Yards of the Embankment of the *Castle Carr* Reservoir: Provided always, that the Corporation shall, in passing over the Lands of the said *Joseph Priestly Edwards* to their Works and Property, confine themselves to the Roads for the Time being subsisting upon the said Lands up to and adjoining upon the Property of the said Corporation.

As to certain Acts to be done for Protection of J. P. Edwards.

LIII. That Communications shall be made across the open Drains to be constructed upon the Lands of the said *Joseph Priestley Edwards* of not less than Six in every Mile of such Drains, and a Bridge for Carts, Carriages, and Foot Passengers be constructed near the Discharge of the Feeder into the *Fly* Reservoir on *Warley Moor*, over such Feeder, for the joint Use only of the Corporation and the said *Joseph Priestley Edwards*, his Heirs and Assigns, and his and their Workmen and Servants.

As to Communications across open Drains upon Lands of J. P. Edwards.

LIV. That, notwithstanding anything in this Act contained, it shall be lawful for the said *Joseph Priestley Edwards*, his Heirs and Assigns, or his and their Tenants for the Time being, and they are hereby authorized,

Tenants of J. P. Edwards may continue

to take Water from and allow waste Water &c. to flow into Stream.

authorized, at all Times hereafter, without any Denial or Interruption on the Part of the said Corporation, to continue to use for domestic and Farming Purposes the Water in any of the Streams and Brooks flowing from or through the Lands held by them to the Lands or Works of the said Corporation, and also to continue to let their waste Water and liquid Manure to flow into the Streams or Brooks which have heretofore carried off the same, but that, in order to prevent the same fouling or disturbing the Water in any of the Reservoirs by this Act authorized to be made, it shall be lawful to and for the said Corporation, their Successors or Assigns, and they are hereby authorized, at their own Costs and Charges, to construct and maintain proper and sufficient draining Culverts and other Channels for diverting such waste Water and liquid Manure from the said Reservoirs and Works, and also, if they shall think fit, to lay down, construct, and maintain proper Tanks for the same Purpose, the said Corporation paying in every such Case for all Damage or Injury which may thereby from Time to Time be occasioned to the said *Joseph Priestly Edwards*, his Heirs or Assigns, or his or their Tenants.

Right of Fishing in the Reservoirs to J. P. Edwards.

LV. That the Powers herein contained to take and use the said Lands and Streams within the said Township of *Warley* and *Castle Carr* within the said Township of *Midgley* shall not confer on the said Corporation, their Successors or Assigns, any Right to fish in the said Reservoirs and open Drains in connexion therewith, proposed to be made on the said Lands, or to take the same, but such Fish, and the exclusive Right to angle for and take the same, shall be and the same are hereby specially reserved to and for the Use of the said *Joseph Priestly Edwards*, his Heirs or Assigns, together with the Right of Fowling and otherwise sporting over the said Reservoirs and open Drains connected therewith: Provided nevertheless, that such Rights, Powers, and Authorities shall not be exercised so as to foul the Water of the Reservoirs, and shall not in anywise interfere with the Right, Power, and Authority of the Corporation at all Times to draw off the Water from the said Reservoirs, and to do all such other Acts, Matters, and Things whatsoever as may be expedient or necessary for cleansing and repairing the said Reservoirs and Works connected therewith, and for preventing the Water therein from being fouled, or for preventing the Accumulation of Fish to such an Extent as to affect the Quality of the Water.

J. P. Edwards to have a Right to use and keep a Boat on each of the Reservoirs.

LVI. That it shall be lawful for the said *Joseph Priestly Edwards*, his Heirs or Assigns, at his own Will and Pleasure, to keep One Boat upon each of the Reservoirs at *Castle Carr* and *Warley Moor*, for the Use of himself and others with his Permission, and to erect in some convenient Place on the Banks of each of the said Reservoirs a proper Boat House or Shed for the covering and Protection of such Boat.

LVII. And

As to Rights of Roads over Embankments for the said J. P. Edwards.

LVII. That the Corporation shall make and for ever maintain a Road or Way of Eighteen Feet in Width over the Embankment of the *Castle Carr* Reservoir, and that the said *Joseph Priestly Edwards*, his Heirs and Assigns, shall for ever thereafter have a Right of Way over the same for Cattle, Carts, and Foot Passengers, and also that the said *Joseph Priestly Edwards*, his Heirs and Assigns, shall have a Right of Footway over the Embankment of the *Warley Moor* Reservoir.

Power for Corporation to supply Water.

LVIII. That, subject to the Powers and Provisions of this Act, the Corporation may, by means of the Waterworks, collect and store Water, and may supply Water within the Borough of *Halifax* and within Two Miles therefrom, and may sell and dispose of the Water as they from Time to Time think fit: Provided always, that the Corporation shall not be compellable to supply Water beyond the Borough, but may do so by Agreement.

Obligation on Corporation to supply Water.

LIX. That the Corporation shall, at the Request of the Owner or Occupier of any private Dwelling House or Part of a private Dwelling House in any Street within the Borough in which any Water Main of the Corporation from Time to Time is laid, or on the Application of any Person who under the Provisions of this Act is entitled to demand a Supply of Water within the Borough for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Purposes at Rates not exceeding the Rates in this Act specified.

Water laid on under Pressure.

LX. That the Water to be supplied by the Corporation need not be constantly laid on under a Pressure greater than that to be afforded from the Service Reservoir whereby such Pipe is supplied.

What are not domestic Purposes.

LXI. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or for Horses kept for Hire, or for washing Carriages kept for Hire, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose whatsoever.

Rates for Supply of Water for domestic Purposes:

If no Watercloset or Bath:

LXII. That the ordinary Rates at which the Corporation shall furnish a Supply of Water within the Borough for domestic Purposes are the following Rates; (to wit,)

If there be no Watercloset or Bath in the Dwelling House or Part of a Dwelling House to be supplied with Water, then at the following Rates, according to the annual Rackrent of such Dwelling House or Part of a Dwelling House:

Where the annual Rackrent shall not amount to Five Pounds, at a Rate not exceeding Six Shillings and Sixpence *per Annum*:

Where the annual Rackrent shall amount to Five Pounds but shall not amount to Seven Pounds, at a Rate not exceeding Eight Shillings and Sixpence *per Annum*:

Where the annual Rackrent shall amount to Seven Pounds but shall not amount to Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where the annual Rackrent shall amount to Twenty Pounds but shall not amount to Fifty Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds:

Where the annual Rackrent shall amount to Fifty Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Four Pounds:

If there be a Watercloset or Bath.

If there be a Watercloset or Bath in such Dwelling House or Part of a Dwelling House, then, in addition to the Rate above specified, the following Rates shall be payable; (that is to say,)

Where the annual Rackrent shall not amount to Twenty Pounds, the Sum of Five Shillings *per Annum* for every Watercloset or Bath:

Where the annual Rackrent shall amount to Twenty Pounds and upwards, the Sum of Seven Shillings and Sixpence *per Annum* for One Watercloset or One Bath, and the further Sum of Five Shillings *per Annum* for each additional Watercloset or Bath:

All such yearly Rates to be paid in advance quarterly, according to the Provisions of the "Waterworks Clauses Act, 1847."

Water may be supplied by Agreement.

LXIII. That the Corporation from Time to Time may supply any Person with Water for other than domestic Purposes, and may supply with Water for domestic Purposes any Person not entitled under this Act to demand a Supply of Water for domestic Purposes, and may supply Water for any Purposes beyond the Borough, for such Remuneration and upon such Terms and Conditions as may be agreed on between the Corporation and the Person desirous of having the Supply.

Company not compelled to supply Watercloset and Baths unless constructed so as to prevent fouling of Water, &c.

LXIV. Provided always, That the Corporation shall not be compellable to supply with Water any Watercloset or any private Bath, or the Apparatus or Pipes connected therewith respectively, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Corporation, and the Return of foul Air and other noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Corporation, or with respect to a private Bath if it contain when filled for Use more than Sixty Gallons of Water.

LXV. That

Penalty for using Water for other than domestic Purposes without Agreement.

LXV. That every Person using for other than domestic Purposes any Water supplied by the Corporation, and not having previously agreed with the Corporation for a Supply for such other Purposes, and every Person having agreed with the Corporation for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Corporation, shall respectively for every such Offence forfeit and pay to the Corporation any Sum not exceeding Five Pounds.

Power to turn off Water in certain Cases.

LXVI. That if any Person supplied with Water by the Corporation wilfully do or cause or knowingly permit to be done anything in contravention of the Provisions of this Act with respect to the Waterworks or the Supply of Water, or wilfully neglect to do anything which under those Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption or Contamination of the Water of the Corporation, the Corporation may turn off the Water supplied by them to such Person, and cease to supply Water to such Person, until the Act complained of be remedied, and any Penalty incurred thereby be paid.

Application of Income from Waterworks.

LXVII. That the Corporation shall apply all Monies from Time to Time received by them under this Act with respect to the Waterworks as follows:

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

Secondly, in Payment of the Interest of the Sum of Thirty thousand Pounds now charged and chargeable upon the existing Waterworks:

Thirdly, in Payment of Interest on all the Monies from Time to Time borrowed by the Corporation for the Purposes of the Waterworks:

Fourthly, in setting apart from Time to Time, from and after the First Day of *January* One thousand eight hundred and fifty-nine, such Sums as, with the Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to pay off such Debt of Thirty thousand Pounds and all other Monies so borrowed:

Fifthly, in making and maintaining the existing Waterworks, and the Waterworks by this Act authorized:

Sixthly, in applying for the exclusive Benefit of the Township of *Halifax*, either in the Improvement of the said Township or in part Payment of any Rates or other Charges payable by the said Township, Interest on the said Sum of Seventeen thousand Pounds, or so much thereof as shall be unpaid, after the Rate of

Four

Four Pounds and Ten Shillings *per Centum per Annum*, and, when and as the Corporation shall deem expedient, in applying the said Principal Sum of Seventeen thousand Pounds or any Part thereof in the Improvement of the said Township:

And Seventhly, the Surplus from Time to Time of such Monies shall be carried to the Credit of the Borough Fund.

10 and 11 Vict. c. 14. incorporated with this Act.

LXVIII. That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with this Act.

Undertaking of Market Company to be vested in Corporation.

LXIX. That upon the Commencement of this Act all the Lands, Buildings, Monies, Goods and Chattels, and all other the Real and Personal Estate and Effects of the Trustees and Proprietors of the said Market Place (herein-after called the Market Company), or of any Trustee or Trustees for them, and which were in their Possession or Control or to which they had any valid Right or Claim on the Third Day of *March* One thousand eight hundred and fifty-three, and all the Estate, Right, Title, and Interest of the said Market Company in their said Undertaking, shall (subject to the existing Debts, Leases, Covenants, Liabilities, Contracts, Obligations, and Incumbrances of the said Market Company,) be vested in the Corporation as from the said Third Day of *March* One thousand eight hundred and fifty-three, and may be lawfully held by and in the Name of the Corporation, in the same Manner and to the same Extent as the Marker Company could otherwise have held the same, and shall be vested in them as Part of their Corporate Estates.

Contracts and Agreements of Market Company to be enforceable by and against Corporation.

LXX. That all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act with, by, or for the Market Company, or any Person on their Behalf, shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual for, against, or with reference to the Corporation, to all Intents and Purposes as if the Corporation had been Party to the same, or had been named or referred to therein instead of the Market Company, or such other Person on their Behalf, and thenceforth the Market Company and every such other Person shall be discharged from all Liability in respect thereof.

Debts, Credits, &c. of Market Company to be Debts, Credits, &c. of Corporation.

LXXI. That from and immediately after the Commencement of this Act, and subject to the Provisions in this Act contained, all Debts and Sums of Money due from the Market Company, or any Person on their Behalf, and all Sums of Money which may have been advanced to them by any Person, and may remain due to such Person from them, shall be payable and paid by and recoverable from the Corporation by the same Ways and Means, with the same Restrictions

and

and Regulations, and with the same Penalties in regard thereto respectively; as the same would or might have been recoverable from the said Market Company.

Sums owing to the Market Company to be payable to the Corporation.

LXXII. That from and immediately after the Commencement of this Act, and subject to the Provisions in this Act mentioned, all Debts and Sums of Money, Tolls, Rates, and Duties, owing and payable to the Market Company, shall be due and payable to the Corporation, and may be recovered by them by the same Ways and Means and in the same Manner in all respects as if such Debts, Sums of Money, Tolls, Rates, and Duties had become due and payable to the Corporation under the Powers of this Act.

As to Debts and Credits of Market Company.

LXXIII. That as between the Market Company and the Corporation, all Debts and Sums of Money owing by the Market Company on the Third Day of *March* One thousand eight hundred and fifty-three shall be paid by them, and all Sums of Money, Tolls, Rates, and Duties which on the said Third Day of *March* One thousand eight hundred and fifty-three were owing or payable to the Market Company shall, when and as the same shall be received, be accounted for and paid by the Corporation to the Market Company.

On passing of Act, Market Company to be dissolved.

LXXIV. That from and immediately after the Commencement of this Act the Market Company (except for the Purpose of winding up their Affairs) shall be dissolved, and the Market Act shall be repealed; provided that such Dissolution and Repeal shall not abate or prejudice any Action or Suit which shall have been commenced by or against the Market Company before the passing of this Act, but the same may be continued, proceeded with, and prosecuted as if this Act had not been passed.

Price to be paid for new Market Place.

LXXV. That the Consideration for the Transfer by this Act to the Corporation of the Property of the new Market Company shall be the Sum of Seven thousand seven hundred Pounds Consolidated Stock, representing the Sum of Seven thousand seven hundred Pounds Sterling, being the Amount expended by the Market Company under the Authority of the Market Act, and that Stock shall be called the *Halifax* New Market Consolidated Stock, herein-after called Consolidated Stock, and shall entitle the Holders thereof to a perpetual irredeemable Dividend at the Rate of Ten Pounds Ten Shillings *per Centum per Annum* from the Third Day of *March* One thousand eight hundred and fifty-three, payable yearly on the Third Day of *March* in every Year, the First Payment thereof to be due and payable on the Third Day of *March* One thousand eight hundred and fifty-four.

Present Shareholders to be entitled to proportionate Part of new Stock.

LXXVI. That on the Commencement of this Act every Person who shall then be entitled to or interested in any Share or Part of any Share in the new Market Company shall be and become entitled to the same Amount of the said Consolidated Stock as is equal in nominal Value to the Amount of the Share or Part of a Share to which such Person is so entitled of the said Sum of Seven thousand seven hundred Pounds Sterling; and the Portion of every such Person of such Consolidated Stock shall be vested in such Person for such and the same Intents, upon such and the same Trusts, if any, and under and subject to such and the same Powers, if any, as shall then apply to or affect his Share in the new Market Company, and for, upon, and under, and subject to which the same Share or Part of the Share in the new Market Place would have been held if this Act had not passed.

Corporation to issue Certificates for Stock.

LXXVII. That as to every Party in whom any Portion of the said Consolidated Stock shall become vested under this Act, and who, or whose Successors, Executors, Administrators, or Assigns, shall in Writing demand the same of the Corporation, and deliver to the Corporation a Declaration signed by the Trustees stating the Amount of Consolidated Stock to which such Party, his Successors, Executors, Administrators, or Assigns, is or are entitled, the Corporation shall issue to such Party, his Successors, Executors, Administrators, or Assigns, a Stock Certificate for the Amount of such Stock; and such Certificate and Declaration may be in the Forms in the Schedules (B.) and (C.) to this Act annexed, or to the like Effect; and such Declaration shall, as between the Corporation and the Party therein named, be conclusive Evidence of the Title of such Party to the Amount of Stock therein mentioned: Provided nevertheless, that the Declaration by the Trustees herein-before required shall be necessary only upon the Occasion of the Issue of the First Certificate to any Party, and shall not be requisite or required to entitle any Party to a Second or other Certificate; provided also, that the Trustees shall bear harmless and indemnify the Corporation from any Claim which may be made upon the Corporation in consequence of any such Declaration having been given to or made in favour of any Party not entitled to such Certificate, or in consequence of any such Certificate certifying that a Party is entitled to a greater Amount of such Stock than he is actually entitled to.

Proprietors whose Names are in the Books of the Company to be primâ facie Owners.

LXXVIII. That as between the Trustees and the Proprietors of Shares in the new Market Company, the Persons who on the Third Day of *March* One thousand eight hundred and fifty-three appeared upon the Books of the Company to be the Proprietors of the Shares therein shall be deemed to be the Proprietors thereof, until the contrary be shown.

LXXIX. That

Certificates to be renewed when lost &c.

LXXIX. That if the Certificate of any Consolidated Stock be worn out or damaged, then, on its being produced to the Corporation, they may order it to be cancelled, and thereupon the Corporation shall issue a similar Certificate to the Party then entitled to the Certificate so worn out or damaged; or if any such Certificate be lost or destroyed, then, on Proof thereof to the Satisfaction of the Corporation, they shall issue a similar Certificate to the Party then entitled to the Certificate so lost or destroyed; and in every such Case as aforesaid a due Entry of the substituted Certificate shall be made by the Corporation in the Register of the *Halifax* New Market Consolidated Stock, and for every such substituted Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be Evidence.

LXXX. That the Certificate of any Portion of the said Consolidated Stock shall be admitted in all Courts as *primâ facie* Evidence of the Title of the Holder thereof, his Successors, Executors, Administrators, or Assigns, to the Amount of Stock therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any such Stock from disposing thereof.

Certificate to be demanded before Dividends recoverable.

LXXXI. Provided always, That the Corporation shall not be bound to pay the Dividends upon any Part or Share of the said Consolidated Stock, unless the Party demanding such Dividend shall produce a Certificate stating the Amount of Stock to which he is entitled.

Market Stock to be Personal Estate.

LXXXII. That the Consolidated Stock shall be deemed to be Personal Estate, and shall pass as such, and not as or in the Nature of Real Property; and the several Holders of such Stock may transfer or transmit their respective Interest therein, or any Parts of such Interests, in the same Manner and subject to the same Regulations and Provisions as or according to which any Shares or Stock may be transferred or transmitted under the Provisions of the Companies Clauses Consolidation Act, incorporated with this Act, in reference to the Transfer or Transmission of Shares or Stock.

Market Stock to be a Charge upon the Borough Fund and Property purchased from Market Company.

LXXXIII. That the perpetual Dividends of the Consolidated Stock shall, on the Commencement of this Act, be and become an absolute Charge upon the Borough Fund of the Borough, and upon all and singular the Lands and Buildings and other the Real Estate acquired by the Corporation from the Market Company under the Provisions of this Act, and shall be recoverable by Entry and Distress upon such Lands, Buildings, and Real Estate, in such and the same Manner in all respects as in the Cases of Distresses taken by Landlords for Rent reserved upon Leases for Years, and also by Action, Suit, or any other Proceeding against the Corporation, in such and

the

the same Manner as any Debt, whether on Specialty or otherwise, might or could be recovered against the Corporation.

Register of Stockholders.

LXXXIV. That the Corporation shall keep a Book, called "The Register of *Halifax* New Market Shareholders," and shall enter therein fairly and distinctly from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons respectively entitled to the said Consolidated Stock, and the Amount of Stock held by each Proprietor; and the Surnames or Corporate Names of the said Proprietors shall be placed in alphabetical Order.

The Stockholders Address Book.

LXXXV. That the Corporation shall also keep a Book, called "The *Halifax* New Market Consolidated Stockholders Address Book," and shall enter therein fairly and distinctly, from Time to Time, in alphabetical Order, the Corporate Names, with the Places of Business of the Proprietors of the said Stock being Corporations, and the Surnames of the other Proprietors, with the respective Christian Names and Places of Abode and Descriptions, so far as the same are known to the Corporation; and every Proprietor of such Stock, and every Burgess of the Borough of *Halifax*, or, if such Proprietor be a Corporation, their Clerk or Agent, may at all convenient Times read the Book *gratis*, and may require a Copy thereof or any Part thereof, and for every One hundred Words to be copied the Corporation may demand a Sum not exceeding Sixpence.

Provisions of 8 and 9 Vict. c. 16. as to Transfer of Shares &c. to be incorporated with this Act.

Interpretation of certain Terms in the above Provisions.

LXXXVI. That the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the Transfer or Transmission of Shares, shall be incorporated with this Act; and in those Provisions the Word "Share" shall mean Consolidated Stock, and the Word "Shareholder" shall mean "Holder or Proprietor of Consolidated Stock," the Word "Secretary" shall mean "Town Clerk," the Word "Company" shall mean "the Corporation;" and those Provisions, so far as they are applicable, shall apply accordingly to the "Consolidated Stock" and the "Holders of Consolidated Stock," and to the "Town Clerk," and to the "Corporation:" Provided always, that Transfers of the Consolidated Stock may be in the Form in Schedule (D.) to this Act annexed, or to the like Effect.

Fees not to be taken by the Corporation.

LXXXVII. That it shall not be lawful for the Corporation or for the Town Clerk to demand any Fee for any of the following Matters relating to the said Consolidated Stock; that is to say, for the Entry of a Declaration of Proprietorship; for an Entry of the Indorsement of the Transfer of Stock.

LXXXVIII. That

Closing of Transfer Books.

LXXXVIII. That the Period during which the Corporation may close the Register of Transfers of the Consolidated Stock shall be not exceeding Fourteen Days before the Third Day of *March* yearly.

Stamp Duty to be paid on Purchase.

LXXXIX. That the Corporation shall within Six Months after the passing of this Act pay to the Commissioners of Stamps for *Great Britain* such a Sum of Money for and in respect of the Transfer by this Act effected as would have been payable by way of Stamp Duty if the same Transfer had been made by Deed duly stamped for denoting the proper Stamp Duty payable thereon by Law.

Corporation may purchase Consolidated Stock.

XC. That the Corporation may from Time to Time, by Agreement with any Owner of Consolidated Stock, purchase all or any of his Stock, and when any Stock is so purchased an Entry of the Purchase thereof shall be made in the Register of *Halifax* New Market Shareholders, and thereupon the purchased Stock shall be wholly extinguished: Provided always, that the Corporation shall not purchase any Stock at a higher Rate than that of Twenty-five Pounds for every One Pound of Dividend.

Monies to be set apart for a Sinking Fund for Purchase of Consolidated Stock.

XCI. That the Corporation shall in the Year One thousand eight hundred and fifty-nine and in every subsequent Year set apart out of the Income arising from the Markets, Slaughter-houses, and Fairs such Sums as a Sinking Fund as, with the Interest to accrue thereon, will in the Period of Forty Years from the First Day of *January* One thousand eight hundred and fifty-nine be sufficient to purchase the said Consolidated Stock at a Rate not exceeding Twenty-five Pounds for every One Pound of Dividend, and shall from Time to Time invest such Sinking Fund in the Purchase of any of the Parliamentary Stocks or Funds, or of Exchequer Bills or other Government Securities, or at Interest on Real Securities, and increase the same by Accumulation in the way of Compound Interest or otherwise, and shall, when Opportunity offers, apply the same or Part thereof in purchasing the said Stock, and, subject to such Application thereof, the Sinking Fund shall be Part of the Borough Fund.

Application of Income from Markets &c

XCII. That the Corporation shall apply all Monies from Time to Time received by them under this Act with respect to Markets, Slaughter-houses, and Fairs,

First, in Payment of the Expenses of and incident to the repairing, maintaining, and managing of the several Market Places and Markets and Fairs and Slaughter-houses for the Time being used within the Borough under the Authority of this Act:

Secondly, in Payment of the perpetual irredeemable Dividends on the Consolidated Stock:

Thirdly, in setting apart from Time to Time, from and after the First Day of *January* One thousand eight hundred and fifty-nine, such Sums as, with the Interest to accrue thereon, will in the Period of Forty Years from that Day be sufficient to purchase the said Consolidated Stock, as by this Act provided:

Fourthly, in applying the yearly net Profits of the Market erected under the Provisions of the Market Act in Repayment of Monies borrowed by the Corporation under the Powers of this Act for the Erection of a Town Hall, a Court House, a Police Station, and Prison Cells within the Borough:

Fifthly, in making and maintaining the Markets, Slaughter-houses, and Conveniences authorized by this Act to be made and maintained:

Sixthly, the Surplus from Time to Time of such Monies shall be carried to the Credit of the Borough Fund of the Borough.

Powers vested in Trustees may be exercised by any Three.

XCIII. That the Powers by this Act conferred on the Trustees of the Market may be exercised by any Three of the Trustees, or by the surviving Trustees or Trustee, and any Declaration of Ownership or Receipt signed by any Three of the Trustees, or by the surviving Trustees or Trustee, shall be as valid as if signed by all the Trustees.

Powers for making Market Houses &c.

XCIV. And whereas Plans showing the Situation of the proposed new Cattle Market, and the Lands upon which the same is intended to be formed, and a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the West Riding of the County of *York*: Therefore, subject to the Powers and Provisions of this Act, the Corporation, from Time to Time, upon the Lands acquired from the Market Company under the Provisions of this Act, and also upon all or any of the Lands in that Behalf described upon the said Plans and referred to in the said Book of Reference, or (by Agreement with the Parties interested therein) in and upon any other Lands within the Borough, may make and provide such Market Houses and Market Places and Places for Fairs, with all necessary Buildings and Conveniences, for the Sale of such Cattle, Provisions, Goods, and other marketable Commodities, as the Corporation from Time to Time think fit to permit to be sold therein respectively.

Removal of present Cattle Market.

XCV. That so soon as the Corporation provide a new Cattle Market, and it is opened for public Use, the present Cattle Market in the Borough shall be removed to and held in such new Cattle Market.

XCVI. That,

Corporation to maintain and regulate Markets and Fairs in Halifax.

XCVI. That, subject to the Powers and Provisions of this Act, the Corporation from Time to Time may maintain and regulate the Markets in the Borough for supplying the Inhabitants of the Borough and the Neighbourhood thereof with such Cattle, Provisions, Goods, and other marketable Commodities as the Corporation from Time to Time think fit to allow to be brought and sold therein, and may maintain and regulate the Fairs held in the Borough in such Manner as they from Time to Time think proper, and may appoint such Places in the Borough, and Times for the holding of such Markets and Fairs respectively, as they from Time to Time think proper.

Market and Fair Days.

XCVII. That the Markets and Fairs shall be held on such Days and within such Hours in every Day as the Corporation from Time to Time appoint: Provided always, that a Market or Fair shall not be held on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving.

Slaughter-houses.

XCVIII. That the Corporation from Time to Time may provide such Slaughter-houses as are from Time to Time sufficient for the slaughtering of Cattle for the Supply of the Borough and the Neighbourhood thereof; and such Slaughter-houses shall be deemed Part of the Market Places; and when other sufficient Slaughter-houses are provided the Corporation may remove the now existing Slaughter-houses in the Borough, or any of them.

Market Tolls to be taken as specified in Schedule (E.)

XCIX. That the Corporation from Time to Time may demand and take, from any Person occupying or using any Stand, Stall, Shed, Place, or Convenience in any Market Place or Fair from Time to Time under their Regulation, by virtue of this Act, or the Buildings or Ground connected therewith, or bringing into such Market Place or Place for a Fair, Buildings or Ground, any marketable Commodity specified in the Schedule (E.) to this Act annexed, such Tolls as the Corporation from Time to Time appoint, not exceeding those specified in that Schedule.

Tolls for the Cattle Market as in Schedule (F.)

C. That the Corporation from Time to Time may demand and take, from any Person bringing into any Cattle Market or Cattle Fair from Time to Time under their Regulation, by virtue of this Act, any Cattle or other live Stock specified in the Schedule (F.) to this Act annexed, such Toll as the Corporation from Time to Time appoint, not exceeding the Toll specified in that Schedule.

Weighing and Measuring Tolls as in Schedule (G.)

CI. That the Corporation from Time to Time may demand and take, for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in any Market Place or Place for a Fair from Time to Time under their Regulation, or the Buildings or Ground

Ground connected therewith, from any Person having such Article weighed or measured at the Weighing Houses or Weighing Places provided by the Corporation, any Tolls not exceeding those specified in the Schedule (G.) to this Act annexed.

Tolls for weighing Carts as in Schedule (H.)

CII. That the Corporation from Time to Time may demand and take, for the weighing of Carts, from the Person requiring the same to be weighed, such Tolls as the Corporation from Time to Time appoint, not exceeding those specified in the Schedule (H.) to this Act annexed.

Tolls for Slaughter-houses as in Schedule(I.)

CIII. That the Corporation from Time to Time may demand and take, from any Person slaughtering Cattle in any Slaughter-house belonging to the Corporation, any Tolls not exceeding those specified in the Schedule (I.) to this Act annexed.

Collection of Tolls.

CIV. That the several Tolls from Time to Time may be demanded and taken by the Lessees of the Corporation, and by the Officers and Servants of the Corporation, and their Lessees respectively.

Tolls payable for successive Occupations on same Day, &c.

CV. That the several Tolls payable with respect to the Occupation or Use of any such Convenience shall be payable, not only by the original Taker or Occupier thereof for a Part of a Day or other Time, but also by any subsequent Taker or Occupier thereof for any other Part of the same Day or other Time.

Leases of Stalls, &c.

CVI. That the Corporation from Time to Time may let any of the Stands, Stalls, Sheds, Places, or other Conveniences in the Market Places and Places for Fairs from Time to Time under their Regulation, by virtue of this Act, to any Person, for any Term not exceeding Three Years, at such Rents and on such Terms and Conditions as are mutually agreed on.

Assignment of same.

CVII. That the Lessee of any such Stand, Stall, Shed, Place, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Corporation, may assign the same for the Residue of his Term.

Powers to build Town Hall, Court House, &c.

CVIII. And whereas Plans showing the Situation of the proposed Town Hall, Court House, Police Station, Prison Cells, and other Buildings for public Purposes, and the Lands upon which the same are intended to be erected, and a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*:

York: Therefore, subject to the Provisions of this Act in that Behalf, the Corporation, from Time to Time, if and when they think fit, in and upon the Lands described on the said Plans and referred to in the said Book of Reference, or (by Agreement with the Parties interested therein) in and upon any other Lands within the Borough, may make, and from Time to Time improve, repair, maintain, and regulate, any Buildings to be used as a Town Hall, a Court House, a Police Station, and Prison Cells respectively, and for such other public Purposes as the Corporation from Time to Time think fit, and may provide such Approaches thereto as they think fit, and may allow the Use thereof respectively on such Terms and Conditions as they from Time to Time think fit.

Power for Local Board to make new Streets and Improvements.

CIX. And whereas a Plan and Section of the intended new Streets, and Alterations and Improvements of existing Streets, showing the Line, Situation, and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands upon or through which the same are intended to be made, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Therefore the Local Board, from Time to Time, in and upon the Lands in that Behalf delineated on the Plans and Sections and referred to by the Book of Reference respectively deposited for the Purposes of this Act, and in the Line and Situation and on the Levels and within the Limits of Deviation shown in that Behalf in those Plans and Sections, may make the several new Streets and Improvements of existing Streets by this Act respectively authorized, and, subject to the Provisions of this Act, may enter upon, take, and use such of those Lands as they think requisite for that Purpose.

New Streets authorized by this Act.

CX. That the several new Streets and Improvements of Streets by this Act respectively authorized are the following; (to wit,)

First, a new Street in continuation of *Waterhouse Street* Southwards, commencing at *Hall End*, crossing *Cheapside*, the *Old Cock Yard*, into and through Lands and Buildings of Sir *Joseph Radcliffe* Baronet at or near *Ward's End*, into and terminating in *St. John's Lane* near the South-western Corner of the Riding School, and opposite an intended new Street across the *Clare Hall* Estate from *St. John's Lane* to *Oxford Road*:

Secondly, a new Street in continuation of *Orange Street* Northwards, commencing in *Orange Street*, into and terminating in *North Parade* at or nearly opposite the Southern End of *Corporation Street North*:

Thirdly, a new Street in continuation of *West Gate* Westward, across *South Gate* and *Ward's End*, or one of them, into and terminating in that Land of Sir *Joseph Radcliffe*:

Fourthly, a new Street in continuation of *Albion Street* (new Market), commencing at the Western Extremity of that Street, running in a Westerly Direction across *South Gate* into and terminating in that Land of Sir *Joseph Radcliffe* :

Fifthly, a new Street commencing in *Barum Top* at or near the North-westerly End of *Fountain Street*, running in an Easterly Direction into and terminating in that Land of Sir *Joseph Radcliffe* :

Sixthly, a new Street from *Barum Top*, commencing at the North-east Extremity of *Bull-Close Lane*, and terminating opposite *Shaw's Court* in *King Cross Street:*

Seventhly, a new Street from and out of *King Cross Street*, commencing at a Point opposite to the North End of *Delph Street*, across *Hopwood Lane*, along *Brunswick Street*, thence across *Lister Lane* and *Gibbet Street*, and terminating in *Pellon Lane* near to and on the East Side of *Pellon Place :*

Eighthly, a new Street in continuation of *Bond Street* Northwards, commencing in *Hopwood Lane* opposite the North End of *Bond Street*, thence to *Lister Lane*, along *Clarence Street*, across *Gibbet Lane*, thence by *Melville Place*, across *Pellon Lane* and *Upper Crib Lane* otherwise *Green Lane*, and terminating in *Back Lane* opposite the Southern End of *Peel Street:*

Ninthly, a new Street in continuation of *Rhodes Street* Northwards, commencing in *Hanson Lane* opposite the Northern End of *Rhodes Street*, thence across *Pellon Lane* at or near *Green Hill*, and thence in a due Northerly Direction into and terminating in *Green Lane :*

Tenthly, a new Street in continuation of *Aked's Road* Southwards, commencing in *West Parade* opposite the Southern End of *Aked's Road*, and terminating in *Swire's Road* at or near to the South-west Corner of *Saville Cottage:*

Eleventhly, a new Street from *North Gate* to *Hall End*, commencing in *North Gate* at or near and on the Northerly Side of the *Waggoner's* Inn, and terminating in *Hall End* at the Junction of *Crown Street* and *Waterhouse Street:*

Twelfthly, a new Street in continuation of *Corn Market*, commencing in *Crown Street* opposite the End of *Corn Market*, crossing the intended new Street lastly herein-before described, and terminating in *Waterhouse Street* at or near *Wesley* Chapel:

Thirteenthly, a new Street in continuation of *Union Street* Southwards, commencing in *New Road* opposite the End of *Union Street*, running due South, and terminating at the Boundary which separates the *Hope Hall* and *Clare Hall* Estates :

Fourteenthly, a new Street commencing in *Pellon Lane* near to and on the East Side of *Pellon Place*, and terminating in *St. James' Road* opposite to the End of *North Parade :*

Fifteenthly,

Fifteenthly, a new Street commencing in *Stannary Lane* otherwise *Stannary*, nearly opposite *Back Lane*, thence across *Crib Lane*, and terminating in *Corporation Street North*, nearly opposite the East End of *Darley Street*:

All which intended new Streets will be wholly situate in the Township of *Halifax*:

Sixteenthly, a new Street from the Foot of *Southowram Bank*, thence along the Back or East Side of the Gasworks, and thence in a North-westerly Direction by *Charlestown* to the Foot of *Haley Hill* at the Northerly End of *North Bridge* in the Township of *Northowram* in the Parish of *Halifax*, and which intended new Street will be situated wholly within the Townships of *Southowram* and *Northowram*:

Seventeenthly, a new Street in continuation of the last-mentioned new Street, commencing at the Northerly End of *North Bridge*, thence across *Stoney Batter* and terminating in *Old Lane* at or near the South-west Corner of the *Woodside* Plantation, and which intended new Street will be situated wholly within the Township of *Northowram*:

Eighteenthly, a new Street in continuation of the recent Extension of *Wade Street*, commencing in the Township of *Halifax* at or near the North-easterly Corner of the Premises of *Samuel Cunliffe Lister* Esquire, and terminating by a Junction with the new Street from *Bankfoot* Mills to *Haley Hill* in a Field there in the Township of *Northowram* belonging to *David Porter*, and which intended new Street will be situate wholly within the Townships of *Halifax* and *Northowram*:

Nineteenthly, a new Street on the Line and in the Direction of *Jonas Well Lane* in the Township of *Halifax*, commencing at and by a Junction with the last-described intended new Street at or near the North-easterly Corner of the said *Samuel Cuncliffe Lister*'s Estate, running in a Southerly and Westerly Direction to and into *King Street* and *Cripplegate*, or one of them, near *Mulcture Hall*, being wholly within the Township of *Halifax*:

Twentiethly, a new Street from and out of the last-mentioned new Street, commencing at the Angle of that Street where it diverges from the Mill Dam towards *Mulcture Hall*, proceeding thence in a Southerly Direction, and terminating in *Cripplegate* about midway between *Mulcture Hall* and the Corn Mills called "Four Mills," occupied by Messieurs *Green* and *Kershaw*, and being wholly within the Township of *Halifax*:

All which intended new Streets will be situate within the Borough of *Halifax*:

Twenty-first, the widening, varying, improving, altering, and enlarging of the following Streets and Roads within the Borough; (to wit,)

As to improving, &c. Streets

within the Borough.

(to wit,) *Crown Street*, *Cow Green*, *Old Market*, *Market Street*, *Bull Close Lane*, *Haugh Shaw Lane*, *Lister Lane*, *Hopwood Lane*, *South Parade*, *Upper Kirkgate*, *Bridge Street*, *Cripplegate*, *Lower Kirkgate*, *Berry Lane Causeway*, *Smithy Street*, *Winding Road*, *Woolshops Square Road*, *Corn Market*, *Hall End*, *Silver Street*, *Orange Street*, *Saint James' Road*, *Swine Market*, *Copper Street*, *Gibbet Street*, *North Gate*, *Trinity Road*, *Blackwall*, *Stone Trough Lane*, *South Street*, *Bull Green*, *Stannary Lane*, *Back Lane*, and *Pellon Lane*, all which Streets and Roads are in the Township of *Halifax*, and *Bank Bottom* in the Township of *Northowram*.

Period for compulsory Purchase of Lands limited.

CXI. That the Powers of the Local Board for the compulsory Purchase of Lands for the Purposes of making and improving the said Streets shall not be exercised after the Expiration of Five Years after the passing of this Act.

Power for Local Board to purchase Land by Agreement.

CXII. That the Local Board may, by Agreement, purchase and acquire, for the Purpose of the said several new Streets and Improvements of Streets, any Lands which they think requisite, or any Estate, Interest, or Right therein or thereto, on such Terms and Conditions as they think fit.

Streets when complete to be Highways.

CXIII. That the several Streets by this Act authorized to be made and improved respectively shall, when so made and improved, be respectively public Highways, and shall be vested in and repaired and maintained by the Local Board accordingly.

Street not to be made through the Lands of Waterhouse's Charities.

CXIV. That it shall not be lawful for the Local Board to take by Compulsion any Lands the Property of the Governors and Trustees of the United Charities of *Nathaniel Waterhouse* for the Construction of that Part of the Street on the said deposited Plans delineated and shown as running from *North Gate* to *Hall End* which is situate between *Hall End* and the Property on the said Plans numbered 267, and in the said Book of Reference called *Swan Coppice*, or to purchase or take by Compulsion for any of the Purposes of this Act any of the Lands belonging to the said Governors and Trustees, except only such Parts of the Lands on the said Plans numbered respectively 410, 411, 412, 413, and 414 as may be required for the Purpose of widening *Crown Street* in the Manner delineated on the said Plans.

Street adjoining Property, &c. of Gas Company not to be made without Consent.

CXV. That the Local Board shall not, without the Consent of the *Halifax* Gaslight and Coke Company, signified in Writing under their Common Seal, construct so much of the Street sixteenthly hereinbefore described as will run through or over and adjoin the Works and Lands of the said Company.

CXVI. That

Not to take or use Lands of the Lancashire and Yorkshire Railway Company without Consent.

CXVI. That nothing in this Act contained shall authorize the Corporation or the Local Board, or any other Person or Persons, for the Purposes or in execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the *Lancashire and Yorkshire* Railway Company, or in any Manner to interfere with the said *Lancashire and Yorkshire* Railway, or any of the Works thereof, without the Consent in Writing of the said *Lancashire and Yorkshire* Railway Company first had and obtained.

Regulations as to Width of Streets.

CXVII. That it shall not be lawful, without the Consent of the Local Board, to make or lay out any new Street within the Borough, unless the same, being a Carriage Road, be at least Thirty Feet wide, or, not being a Carriage Road, be at least Twenty Feet wide.

Buildings to be set Five Yards from the Centre of the Street.

CXVIII. That with respect to Streets being Carriage Roads every Person who shall hereafter erect any Building in or fronting to any Street hereafter to be laid out within the Borough, or any Extension hereafter to be made of a Street within the Borough, or any Road or Way within the Borough already laid out or used, and not yet to the Extent of One Tenth of the Frontage thereof built upon or formed into a Street, shall erect and set back the Building to be so erected to the Distance of Five Yards at least from the Centre of such Street, Road, or Way, and shall give up and abandon for the said Street, Road, or Way the said Space or Distance of Five Yards, unless the Consent of the Local Board, signified in Writing, be previously obtained to the contrary; and in case any such Person shall hereafter erect or set up any Building in any such Street, Road, or Way at a less Distance than Five Yards from the Centre of such Street, Road, or Way, without such Consent, the Local Board, or their Surveyor or other Servant by their Direction, may, within Three Months after the Erection thereof, pull down, take away, and remove such Buildings, or so much thereof as shall be erected within the said Distance; and in such Case every Person so offending shall for every Week such Offence continues forfeit and pay the Sum of Ten Pounds, to be recovered by the Clerk to the said Local Board in any Court of competent Jurisdiction.

Regulating Height of Houses in certain Streets.

CXIX. That it shall not be lawful to build Houses of more than Two Stories in Height, exclusive of Cellars, in any Street to be made or laid out after the passing of this Act of less Width than Ten Yards, nor Houses of more than Three Stories in Height in any such Street of less Width than Twelve Yards.

Trustees of Turnpike Roads not to take Toll within the Borough.

CXX. That from and after the Commencement of this Act the Trustees of any Turnpike Road shall not collect any Toll on any Road within the Borough, or lay out any Money thereon.

10 and 11 Vict. c. 34. incorporated with this Act.

CXXI. That the several Provisions of "The Towns Improvements Clauses Act, 1847,"

"With respect to improving the Line of the Streets, and removing Obstructions;"

"With respect to ruinous or dangerous Buildings;"

"With respect to insuring the Execution of the Works by this or the Special Act required to be done by the Owners or Occupiers of Houses or Lands;"

"With respect to the Prevention of Smoke;"

"With respect to Clocks,"

Shall be incorporated with this Act; and the Expression "the Commissioners" in that Act means for the Purposes of this Act "the Local Board."

Power to Local Board of Health to cause Privies to be emptied, &c. when necessary.

CXXII. That with a view to the Preservation of the Health of the Inhabitants the Local Board may cause all or any of the Privies and Cesspools within the Borough to be emptied and cleansed to their Satisfaction, and pay the Expense thereof out of the District Fund; and in every Case in which the Local Board cause any Privy or Cesspool to be emptied the Soil removed therefrom shall become the Property of the Local Board, and may be disposed of by them in such Manner as they may think proper, and the Proceeds (if any) thereof shall be carried to the Account of the District Fund: Provided always, that the Occupier of any House or Tenement within the Borough may keep and remove the Soil and Ashes which shall be made on his own Premises, and shall be kept for Manure, so that the same be not a Nuisance to the Inhabitants residing near such Premises, and be removed at such Times and in such Manner as shall be approved by the Local Board.

Local Board may contract for the emptying and cleansing Privies.

CXXIII. The Local Board from Time to Time may appoint or employ such Number of Persons as they shall from Time to Time think necessary to be Nightmen or Scavengers for emptying and cleansing the Privies and Cesspools within the Borough, and such Nightmen or Scavengers shall, in such Manner as the Local Board shall appoint, empty and cleanse such of the Privies and Cesspools within the Borough as the Local Board shall from Time to Time direct, and shall carry away the Soil taken from such Privies and Cesspools to such Place or Places as shall be appointed by the Local Board for depositing the same; and if any such Nightman or Scavenger fail to empty and cleanse any Privy or Cesspool which he shall

be

be employed to empty at the Time or in the Manner prescribed by the Local Board for that Purpose, or shall deposit the Soil removed from any Privy or Cesspool in any other Place than such as shall be appointed by the Local Board for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Occupiers obstructing Nightmen.

CXXIV. That, except by this Act otherwise provided, every Occupier of a House or other Building within the Borough shall forfeit any Sum not exceeding Five Pounds for every Time he shall prevent any Nightman or Scavenger appointed or employed by the Local Board, or his Servants, from emptying or cleansing any Privy or Cesspool which such Nightman or Scavenger shall have been directed by the Local Board to empty or cleanse.

Penalty on other Person than Nightmen emptying Privies and also on the Persons employing them.

CXXV. If any Person, other than the Nightman or Scavenger for the Time being appointed or employed by the Local Board, shall (otherwise than is provided) empty any Privy or Cesspool within the Borough, or remove any Soil therefrom, every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds; and (except as aforesaid) the Occupier of the House to which the Privy or Cesspool shall belong, or other the Party employing such Person as aforesaid to empty such Privy or Cesspool, or to remove any Nightsoil therefrom, shall also forfeit for every such Offence a Sum not exceeding Five Pounds.

If Local Board do not cause Privies to be emptied within Seven Days Notice, Occupiers may, without Penalties.

CXXVI. If the Local Board shall not, within Seven Days after Notice from the Occupier or Owner of any House within the Borough, requiring them to empty and cleanse the Privy or Cesspool belonging to such House, or used by the Inmates or Occupiers thereof, cause such Privy or Cesspool to be effectually emptied and cleansed, the Occupier of the House to which such Privy or Cesspool shall belong, or by the Inmates or Occupiers whereof the same shall be used, may cause such Privy or Cesspool to be emptied and cleansed by such Persons as he shall think proper, and to dispose of the Soil removed therefrom in such Manner as he shall think fit, but at such Time, nevertheless, as the Local Board shall direct, without incurring any of the Penalties imposed by this Acts on Persons other than the Nightman or Scavenger appointed or employed by or contracting with the Local Board for emptying and cleansing Privies and Cesspools within the Borough.

Owners of Licensed Victualling Houses, &c. to provide Urinals.

CXXVII. That whenever the Local Board think it requisite they may require the Owner or Occupier of any Licensed Victualling House or Beerhouse to provide and maintain, at his Expense, in a proper and convenient Situation near such House, and to keep at the like Expense duly cleansed, a proper and convenient Urinal; and every such Owner or Occupier who after being thereunto required

by

by the Local Board wilfully fails to provide to the Satisfaction of the Local Board, and within such Time as they in that Behalf appoint, or to maintain to their Satisfaction, such Urinal, as required by them, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues; and every such Owner or Occupier who does not once in every Day to the Satisfaction of the Local Board cleanse such Urinal shall forfeit a Sum not exceeding Twenty Shillings for every such Offence.

Penalty for disturbing Corpses.

CXXVIII. That if any Person having the Preparation of any Grave within the Borough, not being a Vault or Catacomb, in the course of Preparation thereof knowingly or wilfully displace or disturb any undecomposed or only partly decomposed Corpse or Part of a Corpse, or any undecomposed or partly decomposed Coffin or Part of a Coffin, every such Person shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Depth of Soil over Coffins.

CXXIX. That after the Commencement of this Act a Coffin containing a Corpse shall not be buried in any Grave within the Borough, not being a Vault or Catacomb, without at least Thirty-six Inches of Soil between the ordinary Surface of the Burial Ground and the upper Side of the Coffin being immediately after the Burial of such Coffin placed in a permanent Manner in the Grave, so as effectually to close the same; and if any Person having the Preparation of any Grave to receive any such Coffin permit the Coffin to be buried in such Grave, or if any Person having the Control of the Burial Ground knowingly permit any such Coffin to be buried in any Grave in which there is not so placed immediately after the Burial of the Coffin Thirty-six Inches at least of Soil, measuring from the ordinary Surface of the Burial Ground to the upper Surface of the Coffin, every such Person having such immediate Charge, and every such Person having such Control, shall respectively forfeit for every such Offence a Sum not exceeding Five Pounds.

Dogs suspected to be mad may be destroyed.

CXXX. That any Constable may destroy any Dog or other Animal within the Borough reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

General District Rates for Expenses of executing Act by Local Board.

CXXXI. That the Local Board from Time to Time, when and as often as Occasion requires, may make and levy, according to the Powers and Provisions of the "Public Health Act, 1848," a General or Special District Rate for defraying the Charges and Expenses of the Formation and Improvement of Streets by this Act and the Improvement Act authorized to be executed by the Local Board: Provided

vided always, that the Local Board shall not for these Purposes levy in any One Year a greater Rate than Fourpence in the Pound upon the annual Rental of the Borough, according to the Assessment of the Property within the Borough to the Relief of the Poor.

Certain Provisions of 8 and 9 Vict. c. 16. as to Mortgages incorporated with this Act.

CXXXII. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, except the Sections numbered 84 and 85, shall be incorporated with and form Part of this Act, and shall be applicable to the Corporation, and to their Mortgages under the Provisions of this Act.

Amount to be borrowed by Corporation for Waterworks Purposes.

CXXXIII. That the Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of their Waterworks and of the Water Rates authorized to be taken by them under the Provisions of this Act and of the "Waterworks Act," and of the Borough Rate of the Borough, all such Sums as they think requisite for the Purposes of their Waterworks, not exceeding in the whole Seventy-three thousand Pounds.

Rights of certain Mortgagees not to be affected.

CXXXIV. Provided always, That nothing in this Act contained shall prejudice or affect the Priority or other Rights or Remedies of any Party now being or who may hereafter be a Mortgagee of the Waterworks under the Provisions of the "Public Health Supplemental Act, 1851, No. 3."

Amount to be borrowed by Corporation for providing Cattle Markets.

CXXXV. That the Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of the Borough Rate of the Borough all such Sums as they think requisite, not exceeding in the whole Five thousand Pounds, for the Purpose of providing the Cattle Markets authorized by this Act.

Amount to be borrowed by Corporation for Town Hall, &c. Purposes.

CXXXVI. That the Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of the Borough Rate of the Borough all such Sums as they think requisite, not exceeding in the whole Fifteen thousand Pounds, for erecting a Town Hall, an Exchange, a Court House, a Police Station, and Prison Cells, and all necessary Buildings connected therewith, and for providing Approaches thereto respectively.

Limit of Amount to be borrowed by Corporation.

CXXXVII. Provided always, That the Corporation shall not at any Time, under the Authority of this Act, borrow any Sum exceeding the Amount from Time to Time estimated to be sufficient for each or all of the above Purposes; but this Provision shall not affect the Security of any Mortgagee under this Act.

Amount to be borrowed by Local Board.

CXXXVIII. That the Local Board from Time to Time, and under the Authority of this Act, may, for any of the Purposes of this Act or of the Improvement Act to be executed by them, borrow at Interest on Mortgage of their General or Special District Rates such Sums as they think necessary, not exceeding Ten thousand Pounds, and may secure the Repayment of the same, with Interest, by Mortgages of such Rates: 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 this Act; provided also, that the Period in which the Money borrowed under the Authority of this Act by the Local Board shall be paid off by means of a Sinking Fund shall be Forty Years, and such Sinking Fund shall be formed in the Forty Years after the First Day of *January* One thousand eight hundred and fifty-nine.

Sinking Fund to be set apart by Corporation to repay Money borrowed.

CXXXIX. That in order to pay off any Monies borrowed and secured under the Provisions of this Act, the Corporation shall, from and after the First Day of *January* One thousand eight hundred and fifty-nine in every Year, until the same be paid off, appropriate and set apart out of the Rates charged therewith as a Sinking Fund such Sum as together with the Interest from Time to Time to accrue thereon will in the Period of Forty Years from that Day amount to a Sum sufficient to repay the Monies so borrowed and secured, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise; and whenever the Corporation are enabled to pay off One or more of the Mortgages charged upon the same Rates, and are not able to pay off the whole of the Mortgages so charged, they shall in default of Arrangement between the Corporation and the Mortgagees decide by Lot the Order in which the same shall be paid off.

Power to reborrow.

CXL. That the Corporation and the Local Board respectively from Time to Time may reborrow any Amount from Time to Time repaid by them respectively, unless it be repaid by means of a Sinking Fund under this Act, in which Case, and to the Extent of the Amount paid off by means of the Sinking Fund, their respective Powers of borrowing and reborrowing shall cease.

Mortgagees may enforce Payment of Arrears by Appointment of Receivers.

CXLI. That the Mortgagees of the Corporation under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall be Five thousand Pounds,

Application of Income of Corporation

CXLII. That, except as is by this Act otherwise provided, all the Monies from Time to Time borrowed by the Corporation under this Act,

Act, and all Monies from Time to Time received by or for the Use of the Corporation under this Act, or in carrying it into execution, shall from Time to Time after the Receipt thereof be paid to the Treasurer of the Corporation, and be carried by him to the Credit of the Borough Fund: Provided always, that no Monies borrowed under the Provisions of this Act, and carried to the Credit of the Borough Fund, shall be applied to the general Purposes of the Corporation, or to any other Purposes than those for which the same are allowed to be borrowed under the Provisions of this Act. under this Act.

CXLIII. That all the Costs, Charges, and Expenses of and incident to the executing by the Corporation of this Act, and all Monies from Time to Time borrowed by the Corporation under this Act, 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, and 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. Expenditure of Corporation under this Act.

CXLIV. Provided always, That the total Amount which shall in any One Year be charged on the Borough Rates, and paid out of the Borough Fund, in accordance with the Provision last herein-before contained, shall not exceed such a Sum as would be the gross Amount of a Rate in that Year of Sixpence in the Pound upon the yearly Rental of the Borough according to the Assessment of the Property within the Borough to the Relief of the Poor, in addition to any Sum paid to the Treasurer of the Corporation under this Act, and carried by him to the Credit of the Borough Fund. Limit of Amount to be applied out of Borough Fund.

CXLV. That in order to avoid Question as to such 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 Sixpence in the Pound upon such yearly Rental; and every such Certificate shall be delivered to and kept by the Town Clerk, and shall be conclusive for the Purposes of this Act. Certificate of such Amount.

CXLVI. That all the Monies from Time to Time borrowed by the Local Board under 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, shall from Time to Time forthwith after the Receipt thereof be paid to the Treasurer of the Local Board, and be carried by him to the Credit of their District Fund Account. Income of Local Board under this Act.

CXLVII. That

Expenditure by Local Board under this Act.

CXLVII. That all the Costs, Charges, and Expenses of and incident to the executing by the Local Board of this Act, and all Monies from Time to Time borrowed by the Local Board under 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 the Special District Rates, as the Case may be.

Lancashire and Yorkshire Railway and Calder and Hebble Navigation Companies to be rated in manner described by 11 and 12 Vict. c. 63. as to such Works as might have been executed under the Provisions of that Act, &c.

CXLVIII. That as to all Rates to be laid for the Expenses to be incurred in doing under the Provisions of this Act anything which might have been done under the Provisions of the "Public Health Act, 1848," and the several Acts heretofore passed to amend the same, if the Provisions thereof had been fully applied, and this Act had not been passed, and for which the *Lancashire and Yorkshire* Railway Company, and the Company of Proprietors of the *Calder and Hebble* Navigation, or either of them, would, under the Public Health Act, and the several Acts heretofore passed to amend the same, have been rated in the Proportion of One Fourth Part only of the net annual Value of their Railway and Canal respectively, and as to all Rates for or in anywise relating to the Town Hall, Court House, Police Stations, Prison Cells, and other Buildings for public Purposes by this Act authorized, save and except Markets and Market Houses, each of the said Companies shall be entitled to such Allowance in respect of their Railway and Canal respectively as will reduce the Amount payable by them respectively in respect of any Rate or Assessment for or in relation to any such Matters and Things as aforesaid to the Proportion of One Fourth Part only of the Rate on the net annual Value of their Railway and Canal respectively.

Separate and distinct Accounts to be kept by Corporation.

CXLIX. That the Corporation shall keep distinct Accounts, to be called respectively "the Waterworks Accoun,t" and "the Markets Account," and "the Town Hall Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the Execution thereof, for the several Purposes of the Waterworks, and the Markets, and the Town Hall, and the other Purposes of this Act to be executed by the Corporation: Provided always, that the Corporation from Time to Time may apportion between Two or more of those Accounts as they think fit any Items relating to more than One of those Purposes: Provided also, that the Corporation shall, on Demand, at all reasonable Hours and Times, produce the said Accounts and the Apportionment thereof, and all Accounts, Books, Papers, and Documents which may be requisite or convenient for testing the Accuracy or Propriety of the said Accounts and Apportionments respectively, to any Person or Body Corporate who

who shall have been or shall be liable to be rated for any of the Purposes of this Act; and that all Persons and Bodies Corporate who shall feel themselves aggrieved by any such Accounts or Apportionment thereof as aforesaid may appeal against the same to the next General Quarter Sessions of the Peace for the West Riding of the County of *York*, and the said Court of Quarter Sessions shall have full Power to afford such Relief in the Premises as it may deem expedient.

Auditors.

CL. That the Auditors to audit all the Accounts of the Local Board shall be the Three Persons who from Time to Time audit the Accounts of the Corporation.

Gratuitous Supply of Water to Hospitals,&c.

CLI. That the Corporation from Time to Time may afford a gratuitous Supply of Water to any Hospitals, Infirmaries, public Baths and Washhouses, and other public Buildings in the Borough.

As to Recovery of Sums not exceeding 50*l.*

CLII. That whenever any Person neglects to pay any Rate or Sum due under this Act or otherwise to the Corporation or the Local Board, and the Rate or Sum so due does not exceed Fifty Pounds, the Corporation and the Local Board respectively may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction; and the Remedies of the Corporation and the Local Board respectively under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Recovery of Monies by Distress.

CLIII. That all Rates and Sums due to the Corporation and the Local Board respectively on any Account whatsoever, and under this Act or otherwise howsoever, and all Costs, Damages, and Expenses by this Act or otherwise directed to be paid to them respectively, and the Amount whereof is not disputed, may be levied by Distress; and any Justice, on Application by the Corporation and the Local Board respectively, shall issue his Warrant accordingly.

Form of Summons for Rates.

CLIV. That the Summons to appear before a Justice for the Recovery of any One or more Rates leviable by the Corporation and Local Board respectively may be in the Form in Schedule (K.) to this Act, or to the like Effect.

Form of Warrant of Distress for Rates.

CLV. That the Warrant of Distress for the Nonpayment of any such Rate or Rates as aforesaid may be in the Form in Schedule (L.) to this Act, or to the like Effect.

Costs of Distress.

CLVI. That any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such

Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Several Names in One Warrant.

CLVII. That any Number of Names and Sums may be included in any Summons or Warrant of Distress for the Recovery of any Rates or Sums of Money due to the Corporation or the Local Board respectively, and may be stated either in the Body of the Summons or Warrant or in a Schedule thereto.

Application of Penalty.

CLVIII. That every Penalty imposed by this Act shall be paid to the Treasurer of the Borough, and shall be carried by him to the Credit of the Borough Fund.

Authentication of Notices.

CLIX. That any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing and partly in Print; and if the same require Authentication by the Mayor, Aldermen, and Burgesses, or by the Council, the Signature thereof by the Town Clerk shall be a sufficient Authentication; and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be a sufficient Authentication.

Contracts for Supply of Water not to disqualify Councillors, or Members of Local Board.

CLX. That no Person shall be disqualified for being, continuing, or acting as a Member of the Council, or a Member of the Local Board, by reason of his being concerned in any Contract entered into by the Corporation or the Local Board for a Supply of Water to any Person under this Act; but no such Person shall discuss, act, or vote as a Councillor or a Member of the Local Board on any Question touching any such Contract in which he or his Partner is directly or indirectly concerned; and every Person so offending shall thereupon be disqualified as being a Contractor with the Corporation and the Local Board.

Liability to Rates, &c. not to disqualify Justices.

CLXI. That a Person shall not be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Water, or being liable under this Act to the Payment of any Toll, Rate, or other Money.

Saving Rights of Mayor, Aldermen, and Burgesses, Corporation, and Local Board.

CLXII. That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Estates, Rights, Powers, or Privileges of the Mayor, Aldermen, and Burgesses, as Trustees for the Township of *Halifax* or otherwise, or the Corporation or the Local Board.

CLXIII. That

Saving Rights of the Lancashire and Yorkshire Railway Company.

CLXIII. That this Act or anything herein contained shall not take away, alter, lessen, or prejudice any of the Rights, Privileges, and Authorities now vested in or used or exercised by the *Lancashire and Yorkshire* Railway Company, but all such Rights, Privileges, and Authorities may be had, exercised, and enjoyed as if this Act had not been passed.

Saving Rights of the Company of Proprietors of the Calder and Hebble Navigation.

CLXIV. That this Act or anything herein contained shall not take away, alter, lessen, or prejudice any of the Rights, Privileges, and Authorities now vested in or used or exercised by the Company of Proprietors of the *Calder and Hebble* Navigation, but all such Rights, Privileges, and Authorities may be had, exercised, and enjoyed as if this Act had not been passed.

Expenses of Act.

CLXV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, including all the Costs, Charges, and Expenses attendant upon the Transfer of the new Market Place, and preparatory or incident thereto, as well of the Corporation as of the said Trustees, shall be paid by the Corporation out of the Borough Fund of the Borough, or out of any Monies which they may receive under the Provisions of this Act; and the Costs, Charges, and Expenses of the said Trustees shall be recoverable as any other Debt owing by the Corporation.

SCHEDULE (A.)

Copy of Provisional Order of Board of Health referred to in the foregoing Act.

Whereas, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of and within the Townships of Northowram and Southowram in the County of York, included within the Boundaries of the Borough of Halifax, as fixed under the Provisions of an Act passed in the First Year of the Reign of Her present Majesty Queen Victoria, intituled "An Act "to amend an Act for the Regulation of Municipal Corporations in England and "Wales," for the Purposes of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act to provide for the Regulation of "Municipal Corporations in England and Wales," (the Number of such Petitioners greatly exceeding Thirty in the whole,) the General Board of Health appointed for the Purposes of the "Public Health Act, 1848," have, in pursuance of the Provisions of that Act, directed William Ranger, a Superintending Inspector appointed for the Purposes of the same Act, to visit the said Townships, and to make public Inquiry, and to examine Witnesses as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within the said Townships for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the said Borough, or having relation to the Purposes of the said Public Health Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which might be most advantageously adopted for the Purposes of that Act:

And whereas the said Superintending Inspector, having previously given the Notices directed by the said Act, proceeded upon the said Inquiry in the Manner directed by the said Act, and hath reported in Writing to the said General Board upon the said several Matters with respect to which he was so directed to inquire, and upon certain other Matters in respect to which he deemed it expedient to report for the Purposes of that Act:

And whereas Copies of the said Report, accompanied by a Notice, stating that written Statements might be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report, or any Amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the Time for forwarding such Statements has now elapsed, and all such Statements as have been received by the said Board have been duly deposited as required by that Act:

And

And whereas it having appeared to the said General Board that the Boundaries which might be most advantageously adopted for the Purposes of the said Act were not the same as those of the said Townships with respect to which the said Inquiry has been made, the said Board caused the said William Ranger, as such Superintending Inspector as aforesaid, to visit the Parts within the Boundaries proposed to be adopted for the Purposes of the said Act:

And whereas the said Superintending Inspector, after having given such Notice as is required by the said Act, did hear all Persons desirous of being heard before him on the Subject of the said Report, and did make further Inquiry and Report according to the Directions of the said Board:

And whereas Copies of such further Report, accompanied by a Notice stating that within the Time directed by the said Act written Statements might be forwarded to the Board with respect to any Matter contained in or omitted from the said further Report, or any Amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the Time for forwarding such Statements has now elapsed, and all such Statements as have been received by the said Board have been duly deposited as required by that Act:

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Borough of Halifax having relation to the Purposes of the said Public Health Act; (that is to say,) an Act passed in the Fourth Year of the Reign of King George the Fourth, intituled "An Act for "paving, lighting, cleansing, watching, and improving the Township of Halifax, "and for supplying the same with Water:"

And whereas, in pursuance of the Provisions of the said Act for the Regulation of Municipal Corporations in England and Wales, the Powers of the Trustees acting in execution of this said Local Act were, by Deed bearing Date the First Day of January One thousand eight hundred and forty-nine, duly transferred by such Trustees to the Council of the said Borough:

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Borough and within the same Boundaries as those within and with respect to which the said Inquiry has been made, and that Provision should be made with respect to the said Local Act of Parliament, and the Repeal, Alteration, Extension, and future Execution thereof; but the same cannot be done without the Authority of Parliament:

Now therefore, in pursuance of the Powers vested in the said General Board of Health by the "Public Health Act, 1848," we, the General Board of Health, do, by this Provisional Order under our Hands and Seal of Office, order and direct as follows; (that is to say,)

1.—That from and after the passing of any Act of Parliament, confirming this present Order, the "Public Health Act, 1848," and every Part thereof, except the Section numbered 50 in the Copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire Area, Places, and Parts of Places comprised within the Boundaries of the said Borough of Halifax, as the same were fixed as aforesaid

aforesaid for the Purposes of the said Act for the Regulation of Municipal Corporations in England and Wales, and that the said Borough and Places and Parts of Places shall be and constitute One District for the Purposes of the said Public Health Act accordingly.

2. — That the Mayor, Aldermen, and Burgesses of the said Borough of Halifax, by the Council of the said Borough, shall constitute the Local Board of Health under the aforesaid Act.

3. — That such Parts of the said Local Act as are specified in the Schedule (A.) hereunto annexed shall be repealed, except in so far as the same repeal any other Act or Acts of Parliament.

4. — That the Act passed in the Second Year of the Reign of King George the Third, intituled "An Act for supplying the Town of Halifax with "Water," which is repealed by the said herein-before recited Local Act, shall, as to those Parts thereof specified in the Schedule (B.) hereunto annexed, be re-enacted by this Order and the Act of Parliament confirming the same.

5. — That the Powers, Authorities, and Duties of the Treasurer, Clerk, and other Officers and Servants employed by the said Council in the Execution of the said Act shall continue until determined by the said Local Board.

6. — That such of the said Powers, Authorities, and Duties as are granted or imposed by so much of the said Act as shall not be repealed according to the Provisions of this Order, and so far as the same are not repugnant to or inconsistent with the said Public Health Act or this Order, or any Byelaw which shall be lawfully made under the said Public Health Act, shall be had and exercised by the said Local Board of Health, and by such of the Committees, Officers, and Servants of the said Local Board as shall be appointed by such Board in that Behalf under the said Public Health Act, and shall be had and exercised in the same Manner, as nearly as may be, as if such Powers, Authorities, Privileges, and Duties had been granted or imposed by the said Public Health Act; and any Officer or Servant now acting in execution of the said Local Act, who may be continued in his Office or Employment as aforesaid, shall have the same Powers and be liable to the same Duties and be in all respects as if he had been appointed under the said Public Health Act.

7. — That the several Clauses and Provisions (except as aforesaid) of the said Public Health Act may (whenever it may be practicable so to do) be applied to all or any Cases, Matters, and Things which shall arise under such Parts of the said Local Act as shall not be repealed according to this Order.

8. — That all Parts and Places within the said Borough of Halifax shall be within and subject to such of the Provisions of the said Local Act as shall not be repealed according to the Provisions of this Order, as fully as if the same had always been subject to and within the Provisions of such Local Act, and except in so far as relates to any Debts contracted on the Security

Security of Rates assessable on any Part within the Limits of the said Borough so fixed as aforesaid.

9. — That all Lands, Buildings, Works, Rates, Tolls, Duties, and Hereditaments, Utensils, Materials, Books, Plans, Maps, Deeds, Effects, Contracts, Papers, Monies, and Securities for Money, and all other Property and Estate whatsoever belonging to or vested in the Council acting in the Execution of the said Local Act, shall, subject to any Provisions for the Valuations of the same in the Act confirming this Order, and except as herein-after provided, be transferred, vested in, belonging to, and be recoverable by the said Local Board of Health, as fully as the same would or could have belonged to, been vested in, or recovered by such Council, and shall, as near as Circumstances will permit, be held by the said Local Board of Health upon the same Trusts, and for the same Uses, Intents, and Purposes, as the same were or would be held by such Council.

10. — Provided always, that nothing in this Order shall be construed to divest the said Town Council, as Trustees acting in execution of the said Local Act, of their Property in the Waterworks constructed under the Powers of that Act and other Local Acts relating to the Township of Halifax, but such Town Council shall, as such Trustees, be deemed and taken to be in all respects a Waterworks Company established for supplying Water within the District constituted by this Order and the Act of Parliament confirming the same, and shall be entitled to lay on Water within the said Borough on the same Terms on which any such Waterworks Company would be entitled to lay on Water under the Powers and Provisions of the said Public Health Act, and shall in all other respects be subject to the Powers and Provisions of the said Act with respect to such Companies.

11. — That all Bonds, Mortgages, Annuities, Contracts, Debts, Monies, and Securities for Money, made, given, contracted, or payable by such Council, shall be paid and satisfied by the said Local Board out of such Parts of the said transferred Property and Estate as would or ought to have been charged or chargeable in respect of the same if this Order had not been made, and shall, as near as Circumstances will permit, have the same Priority, and be paid and satisfied within the same Times, and be recovered from the said Local Board, as the same might have been recovered from such Council.

12.—Provided always, that if such Property and Estate be insufficient for that Purpose the Deficiency shall be charged upon and paid and satisfied by the said Local Board of Health out of the General District Rates levied under the said Public Health Act in the Parts and Places which would or ought to have been chargeable with such Deficiency if this Order had not been made.

13. — Provided also, that if such Property and Estate be more than sufficient the Surplus shall be applied to the exclusive Use and Benefit of the Parts and Places and as nearly as may be to the same Purposes to which the same would or ought to have been applied if this Order had not been made.

14—That

14.—That all Charges and Expenses which shall be incurred by the said Local Board of Health under such Parts of the said Local Acts as shall not be repealed according to the Provisions of this Order, and which shall not be defrayed out of the Tolls, Duties, and Revenue received or to be received by the said Local Board under such Local Acts, shall be deemed to be Expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the General or Special District Rates (as the Nature of the Case may require), and the Monies necessary to be raised for the Purposes of such Local Acts may be borrowed, charged, secured, and recovered in the same Manner as if such Charges and Expenses were actually incurred under the said Public Health Act.

15.—That the Section of the "Towns Improvement Clauses Act, 1847," numbered respectively in the Copies of that Act printed by Her Majesty's Printers 53, 74, and 109, and the Sections of the "Towns Police Clauses Act, 1847," numbered respectively in the Copies of that Act printed as aforesaid 21 to 69, both inclusive, shall be incorporated with so much of the said Local Acts as remains unrepealed by this Order, and with the said Public Health Act, as applied to the said Borough by this Order and any Act of Parliament confirming the same; and that the Expression "the Special Act," used in the said Sections, shall be construed to mean so much of the said Local Acts as remains unrepealed, and the said Public Health Act so applied as aforesaid; and the Expression "Limits of the Special Act," used in the same Sections, shall be construed to mean the District constituted by this Order and any Act of Parliament confirming the same for the Purposes of the said Public Health Act; and the Expression "the Commissioners," used in the said Sections, shall mean the said Local Board of Health.

16.—Provided always, that the said Local Board of Health may, if they shall so think fit, by their Consent under their Corporate Seal, exempt any Building within the said Borough from the Provisions of the lastly hereinbefore mentioned Section of the Towns Improvement Clauses Act.

17. That all Debts incurred, and all Mortgages, Bonds, Assignments, and Annuities given, made, contracted, or payable, by the Council under the said Local Act, together with all Interest due thereon, shall be charged upon and defrayed out of the General District Rates of the said District, to be levied upon those Parts of the said District which would be chargeable with such Debts, Mortgages, Bonds, Assignments, and Annuities respectively if this Order had not been made.

18.—Provided always, that, except as regards the Repeal of such of the Powers and Provisions of the said Local Act as are mentioned in the Schedule to this Order, this Order shall take effect subject and without Prejudice to that Act; and all Estates, Interests, Rights, Claims, Demands, Powers, Duties, Privileges, and Authorities created, conferred, arising, and subsisting under or by virtue of that Act are, except as aforesaid, hereby absolutely saved.

19.—Provided also, that this Order, and the Repeal of the Parts mentioned in the Schedule thereto of the said Local Acts or either of them, shall not annul,

annul, defeat, lessen, or otherwise prejudicially affect any Rate, Assessment, Imposition, Composition, Charge, Purchase, Sale, Conveyance, Grant, Demise, Lease, Mortgage, Annuity, Assignment, Bond, Contract, Covenant, Agreement, Security, Matter, or Thing whatsoever before the passing of any Act of Parliament confirming this Order made, entered into, or done under or by virtue or in pursuance of those Acts or either of them, or with reference to the Purposes of the same respectively; but, notwithstanding this Order and the Schedule thereto, all such Acts, Deeds, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the said Local Board of Health, as if the same had been made, entered into, or done by, to, or with reference to that Board instead of the Commissioners of those Acts respectively, and may be proceeded on and enforced in the same Manner in all respects as if that Board, instead of such Commissioners, had been party or privy to the same, and been named or referred to therein.

20.—Provided also, that this Order, and the Repeal of the Parts of the said Local Acts mentioned in the Schedule thereto, shall be subject and without Prejudice to any Penalties incurred under that Act at the Time of the passing of any Act of Parliament confirming this Order, but all such Penalties may be enforced and recovered by the said Local Board of Health according to the Provisions of this Order.

Given under our Hands and under the Seal of the General Board of Health, this Twenty-eighth Day of July in the Year of our Lord One thousand eight hundred and fifty-one.

(Signed)

L. S.

SHAFTESBURY.
EDWIN CHADWICK.
T. SOUTHWOOD SMITH.

SCHEDULES TO WHICH THIS ORDER REFERS.

(Schedule A.)

The Parts of the Local Act referred to in this Order to be repealed are as follows; that is to say,

The Sections numbered respectively in the Copies of the herein-before recited Act of the Fourth Year of the Reign of King George the Fourth, printed by the King's Printers, 3 to 19, both inclusive; 20, in so far as relates to the Name in which the Property in the Matters and Things therein referred to is to be laid in Actions and Bills of Indictments; 21, as respects the Proviso thereto; 22, 25, 26, 36, 38 to 45, both inclusive; 62, 70, 86 to 93, both inclusive; 97, 99, 100, 102, as far as relates to the Assessment of Land used as Arable and Pasture Ground only; 100 to 107, 110 to 121, and 125 to 137, all inclusive;

And so much of any unrepealed Part of the said Act as fixes the Amount of any Penalty for any Offence under the said Act, wherever the Penalty for such Offence is fixed by the Public Health Act, or by any Byelaw of the Local Board of Health made under and by virtue of the Public Health Act, at an Amount other than that fixed by the said Local Act.

(Schedule B.)

The Parts of the said Act of the Second Year of the Reign of King George the Third, referred to in this Order to be re-enacted by this Order and the Act of Parliament confirming the same, are as follows; that is to say,

So much on the Pages numbered respectively in the Copies of the said Act printed by the King's Printers 36, 37, 38, 39, 40, 41, as follows the Words "And be it enacted by the Authority aforesaid, that the said Trustees, "or any Seven or more of them," (inclusive of the said Words,) on Page 36, down to the End of the Words "if any, to the Owner, on Demand," on Pages 41; and the Section on Page 42 beginning "And be it further enacted by the "Authority aforesaid, that the Right," and ending "Possession of the Property "thereof."

SCHEDULE (B.)

Form of Declaration of Ownership of Halifax New Market Stock.

THE HALIFAX IMPROVEMENT ACT, 1853.

We, the undersigned Trustees of the Halifax New Market, do hereby declare that of
is the Proprietor of and entitled to the Sum of
Halifax New Market Consolidated Stock, created under the "Halifax Improvement Act, 1853," and is entitled to receive a Certificate thereof from the Corporation of Halifax, in pursuance of the Provisions of the said Act.

Given under the Hands of the Trustees, the Day of 185 .

SCHEDULE (C.)

Form of Certificate of Halifax New Market Consolidated Stock.

THE HALIFAX IMPROVEMENT ACT, 1853.

Certificate of Consolidated Stock.

No. £

By virtue of the "Halifax Improvement Act, 1853," the Mayor, Aldermen, and Burgesses of the Borough of Halifax certify, that *A. B.* of, *&c.*,
is under that Act entitled to the Sum of £ Part of the Sum of Seven thousand seven hundred Pounds Halifax New Market Consolidated

solidated Stock, entitling the Holders thereof to a perpetual irredeemable Dividend at the Rate of Ten Pounds Ten Shillings per Centum per Annum, and charged upon the Borough Fund of the Borough, and upon all and singular the Lands and Buildings and other the Real Estate acquired by the Corporation from the Market Company under the Provisions of the said "Halifax Improvement Act, 1853," the Dividends upon which said Sum of Consolidated Stock are payable to him, his Executors, Administrators, or Assigns, at the Town Clerk's Office in Halifax, on the Third Day of March in every Year.

Given under the Corporation Common Seal of the Borough of Halifax, this Day of in the Year of our Lord 185 .

SCHEDULE (D.)

Form of Transfer of Halifax New Market Consolidated Stock.

THE HALIFAX IMPROVEMENT ACT, 1853.

I, *A. B.* of in consideration of £ paid to me by *C. D.* of do transfer to him, his Executors, Administrators, and Assigns, the Sum of £ Part of the Sum of Seven thousand seven hundred Pounds Halifax New Market Consolidated Stock, entitling the Holders thereof to a perpetual irredeemable Dividend at the Rate of Ten Pounds Ten Shillings per Centum per Annum, and charged by the "Halifax Improvement Act, 1853," on the Borough Fund of the Borough, and upon all and singular the Lands and Buildings and other the Real Estate acquired by the Corporation of Halifax from the Market Company under the Provisions of the said "Halifax Improvement Act, 1853," the Dividends upon which Sum of £ Consolidated Stock are payable at the Town Clerk's Office in Halifax on the Third Day of March every Year, and all my Right and Interest therein and thereto.

As witness my Hand and Seal, this Day of in the Year of our Lord

Witness, *A. B.*

SCHEDULE (E.)

Market Tolls.

From the Occupier of each Butcher's Stall, according to the Size and Dimensions of the same; (videlicet,) for each Superficial Square Foot thereof:—

If the Stall and Passage in front thereof be covered over from the Weather;

If taken by the Year, not exceeding the Sum of Six Shillings and Eightpence:

By the Half Year, not exceeding the Sum of Three Shillings and Fourpence:

By

By the Quarter, not exceeding the Sum of One Shilling and Eightpence:
If otherwise taken or occupied, for each Market Day or other Day in the Week One Penny Three Farthings;

If the Stall and Passage in front thereof be not covered over as above;

If taken by the Year, not exceeding the Sum of Six Shillings:
By the Half Year, not exceeding Three Shillings:
By the Quarter, not exceeding One Shilling and Sixpence:
If otherwise taken or occupied, for each Market Day or other Day in the Week One Penny Halfpenny:

From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same; (videlicet,) for each Superficial Square Foot thereof: —

If the Stand and Passage in front be covered over from the Weather;

If taken by the Year, not exceeding Five Shillings:
By the Half Year, not exceeding Two Shillings and Sixpence:
By the Quarter, not exceeding One Shilling and Threepence:
If otherwise taken, for every Market Day or other Day in the Week not exceeding One Penny Halfpenny:

If the Stand and Passage in front be not covered over as above;

If taken by the Year, not exceeding Four Shillings:
By the Half Year, not exceeding Two Shillings:
By the Quarter, not exceeding One Shilling:
If otherwise taken or occupied, for each Market Day or other Day in the Week not exceeding One Penny:

For the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same; (videlicet,) for each Superficial Square Foot thereof: —

If the Stand or Bench and the Passage in front thereof be covered over from the Weather;

If taken by the Year, not exceeding Five Shillings:
By the Half Year, not exceeding Two Shillings and Sixpence:
By the Quarter, not exceeding One Shilling and Threepence:
If otherwise taken, for each Market Day or other Day in the Week, not exceeding One Penny Halfpenny:

If the Stand or Bench and Passage in front thereof be not covered over as above;

If taken by the Year, not exceeding Four Shillings:
If by the Half Year, not exceeding Two Shillings:
By the Quarter, not exceeding One Shilling:
If otherwise taken, for each Market Day or other Day in the Week not exceeding One Penny:

From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same; (videlicet,) for each Superficial Square Foot thereof: —

If the Compartment or Space and the Passage adjoining the same be covered over from the Weather;

If taken by the Year, not exceeding Three Shillings and Tenpence·
By the Half Year, not exceeding One Shilling and Elevenpence:
By the Quarter, not exceeding Elevenpence Halfpenny:
If otherwise taken, for each Market Day or other Day in the Week, not exceeding One Penny:

If the Compartment or Space and the Passage adjoining the same be not covered over as above;

If taken by the Year, not exceeding Three Shillings:
By the Half Year, not exceeding One Shilling and Sixpence:
By the Quarter, not exceeding Ninepence:
If otherwise taken, for each Market Day or other Day in the Week, not exceeding Three Farthings:

From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, or any defined Compartment or Space on the Surface of the Ground: —

If the Spot on which the said Person shall stand be covered over from the Weather;

For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, not containing more than One Bushel, not exceeding One Penny Halfpenny:
For every additional Half Bushel, Three Farthings:

If the Spot be not covered over as above;

For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel, not exceeding One Penny:
For every additional Bushel, One Halfpenny.

SCHEDULE (F.)

Tolls for the Cattle Market.

For every Horse, Mare, or Gelding brought or exposed to Sale, Fourpence:
For every Colt, Filly, or Foal, Twopence:
For every Bull, Steer, Cow, or Heifer, Threepence:
For every Calf, One Penny:
For every Mule or Ass, One Penny:
For every Sheep or Lamb, One Penny:
For every Swine or Hog, One Penny:
For every Sucking Pig, One Halfpenny:

And the following additional Tolls to be paid by the Buyers:

For every Horse, Mare, or Gelding sold, and entered in the Toll Book, an additional Toll on such Entry to be paid by the Buyer of Fourpence:
For every Horse, Mare, or Gelding sold, and not entered in the Toll Book, Twopence:
For every Colt, Filly, or Foal, One Penny:
For every Bull, Steer, Cow, Heifer, or other such Cattle, Twopence:
For every Sheep or Lamb, One Halfpenny:
For every Swine or Hog, except Sucking Pigs, One Halfpenny.

SCHEDULE (G.)

Weighing and Measuring Tolls.

For weighing every Piece of Meat or Thing weighing not more than 20 lbs. Avoirdupois, One Halfpenny:
For weighing every Piece of Meat or Thing weighing more than 20 lbs. and not exceeding 240 lbs., One Penny:
And so in proportion for any greater or smaller Number, and One or more.

SCHEDULE (H.)

Tolls for weighing Carts.

For every Cart with its Load less than One Ton, Threepence:
For every Cart with its Load more than One Ton, Fourpence:
For every Waggon, of whatever Weight, Sixpence.

SCHEDULE (I.)

Slaughter-house Tolls.

For every Bull, Cow, Ox, or Bullock, One Shilling:
For every Calf, Sixpence:
For every Sheep or Lamb, Threepence:
For every Hog or Pig, Fourpence:
For every other Beast, One Shilling.

SCHEDULE (K.)

Form of Summons for Rates.

Borough of Halifax, to wit. } To _____ of the Township of _____ in the said Borough.

I, the undersigned, One of Her Majesty's Justices of the Peace in and for the said Borough, do hereby summon and require you personally to be and appear at [*naming the Place*] in the said Borough on the Day of at the Hour of o'Clock in the noon of the same Day, before me, or such other of the Justices of the Peace of the said Borough as shall be then and there present, to show Cause, if you can, why you refuse to pay to the Collector or other the Person or Persons authorized to receive the same the Sum [*or* several Sums] of being a Rate [*or* Rates] made upon you for or in respect of certain Buildings, Lands, *or* Hereditaments occupied by [*or* belonging to] you in the Township of for the Year under and by virtue of the "Halifax Improvement Act, 1853," or Municipal Corporation Act, *or* "Public Health Act, 1848," *as the Case may be*] [and the Sum of, *or* Sums of being a Rate, *&c.*, under and by virtue of, *&c.*, *as before*] [which several Sums of amount in the whole to the Sum of] and if you fail to appear at the Time and Place aforesaid you will be proceeded against as if you had appeared, and not shown Cause for such Refusal. Given under my Hand Day of .

SCHEDULE (L.)

Form of Warrant of Distress for Rates.

Borough of Halifax, to wit. } To the Collector or Collectors of the Rates made by the Council of the Borough of Halifax for the Township of _____ under and by virtue of [*here describe the Act or several Acts under which Rates laid*], and to the Constables of the said Borough:

WHEREAS the under-named Persons, now or late Owners, Tenants, or Occupiers of Houses, Buildings, Lands, Tenements, or Parts of Houses, Lands, or

or Tenements, within the Township of have been duly rated and assessed under the Authority of the said Acts, or some or One of them, and there is now due from them respectively the several Sums of Money hereunder set opposite to their respective Names, which they have respectively refused or neglected to pay; and the said several Persons having been summoned to appear before One or more of Her Majesty's Justices of the Peace for the said Borough to answer the Premises, and they not having shown any sufficient Cause why such Sums of Money should not be paid; These are therefore to will and require you or any of you forthwith to levy the said several Sums by Distress and Sale of the respective Goods and Chattels of the several Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges for such Summonses, Warrants, Distresses, Sales, and Keeping being first deducted; and if no sufficient Distress can be had or taken, and then you certify the same to me, or to some other Justice of the Peace for the said Borough, to the end that such further Proceedings may be had as the Law authorizes or directs. And I do hereby strictly charge and command all and singular the Constables for the said Borough to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal, this Day of

Name.	General District Rate, laid 18	Highway Rate, laid 18	Special District Rate, laid 18	Water Rate, laid 18	Watch Rate, laid 18	Total.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1853.