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An Act for amending and extending the Acts relating to the supply of Water and Gas in the borough of Halifax and its neighbourhood, and to the improvement of that borough; and for other purposes. [4th July 1870.]

WHEREAS the borough of Halifax in the west riding of the county of York (in this Act called the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation), and subject to the provisions of the general Acts relating to municipal corporations in England, and to divers special Acts from time to time passed, some of which special Acts are described in the first schedule to this Act, and are in this Act referred to generally as the former special Acts, and severally by the short references in that schedule specified:

And whereas under the former special Acts the Corporation are authorised to make and maintain waterworks and to supply water in the borough and its neighbourhood:

And whereas it is expedient that the Corporation be empowered to make and maintain additional waterworks and to supply water in bulk in certain cases beyond the limits of their ordinary water supply:

And whereas it is expedient that the Corporation be empowered to raise further money for the purposes of the additional waterworks authorised by this Act:

And whereas it is expedient that the Corporation be empowered to erect and maintain additional gasworks:

And whereas the former special Acts require amendment and extension in divers particulars:

And whereas the Corporation by the council of the borough are the local board of health for the district of Halifax, and as such they are in this Act designated the local board:

And whereas the water of the Hebble Brook is impure:

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And whereas Sir Francis Crossley, Baronet, M.P., by a certain deed dated the 29th day of March 1870, assigned to certain persons therein named the sum of 10,000*l.* for the purpose of founding a loan fund, to be called "the Sir Francis Crossley's Loan Fund," for the assistance of men and women of good character resident within the town and parish of Halifax, subject to certain trusts and provisions in that deed contained; and the said Sir Francis Crossley thereby appointed the Mayor of Halifax for the time being an ex-officio trustee, together with six members of the council, to be annually appointed by the council, and four other persons to be appointed by himself during his life, or by the executors or trustees of his will, to be trustees of the fund, and after the determination of the trusts of his will, then that the whole of the said trustees, except the mayor for the time being of the borough, should be appointed trustees of the said fund by the town council; and it is expedient that so much of the said deed as relates to the said loan fund be confirmed, and that the Corporation be empowered to appoint trustees for giving effect to the trusts of that deed:

And whereas by royal charter dated the 11th day of September, in the thirty-second year of the reign of Her present Majesty, the said Sir Francis Crossley, with his brothers, John Crossley, Joseph Crossley, and other persons to be thereafter elected, were incorporated by the name of "the Governors of the Crossley Orphan Home and School," for the purpose of administering a perpetual charity in Halifax, called "the Crossley Orphan Home and School," in accordance with a deed in the said charter recited, dated the 30th day of January 1868, whereby it is provided amongst other things that after the death of any two of them the said Sir Francis Crossley, John Crossley, and Joseph Crossley, then that three persons from time to time be elected by the mayor, aldermen, and burgesses of the borough of Halifax acting by their council, shall constitute part of the governing body of the said Crossley Orphan Home and School, and it is expedient that the Corporation be empowered to appoint such governors as aforesaid:

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

And whereas plans and sections describing the lines, situations, and levels of the several works to be authorised by this Act, and of the lands and houses to be taken for the same, with a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands described in such plans, have been deposited with the clerk of the peace for the west riding of the county of York (which are in this Act referred to as the deposited plans, sections, and book of reference):

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

Short title.

1. This Act may be cited as The Halifax Water and Gas Extension Act, 1870.

Provisions of General Acts herein named incorporated.

2. The following Acts and parts of Acts (as far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (namely,)

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

The Waterworks Clauses Acts, 1847 and 1863.

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect; namely,

Terms to which meanings are assigned in the Acts incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings:

In this Act, and, for the purposes of this Act, in any Act incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior court" shall include courts of competent jurisdiction within the meaning of this Act:

In this Act the term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, (chapter seventy-six,) "to provide for the "regulation of municipal corporations in England and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

In this Act the term "the Public Health Acts" means the Public Health Act, 1848, the Local Government Act, 1858, and the Acts amending them:

In this Act the term "local authority" includes a local board of health, or local board, and in the former special Acts and this Act the term "district" as applied to a local authority shall be deemed to include the district for the time being of such local authority.

Commencement of Act.

4. This Act shall commence and take effect on and from the fourth Wednesday next after the passing thereof.

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Acts to be read as one Act.

5. This Act and the former special Acts, and other special or local Acts heretofore passed relating to the Corporation or local board, shall as far as those special or local Acts as amended by this Act are in force at the commencement of this Act be read together as one Act, and for this purpose the term "this Act" used in any of those special or local Acts shall include the present Act.

Act to be executed by Corporation.

6. This Act as far as it is expressed to relate to the powers and duties of the Corporation shall, subject to the express provisions of this Act, be executed by the Corporation acting by the council, and subject and according to the Municipal Corporation Acts and other Acts and laws for the time being in force affecting municipal corporations.

Application of Public Health Acts.

7. This Act as far as it is expressed to relate to the powers and duties of the local board shall (subject to the express provisions of this Act) be executed by the Corporation acting by the council as the local board with the powers and indemnities and according to the provisions of the Public Health Acts, which Acts shall in relation to the Corporation and the purposes of this Act have effect as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts.

Power to make works and take lands, &c.

8. Subject to the provisions of this Act the Corporation may as part of their waterworks undertaking make and maintain in the lines or situations, and according to the levels shown on the deposited plans and sections, the works shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described on the deposited plans and book of reference as they require for that purpose.

The works herein-before referred to and authorised by this Act are,—

1st. A reservoir to be wholly situate in the township of Thornhill in the parish of Thornhill, in a certain field at Fox Royd adjoining Back Lane, belonging or reputed to belong to the rectory of Thornhill, and in the occupation of James Peace:

2nd. A conduit or line of pipes to commence at a point in the Brighouse and Elland turnpike road where Clifton Beck passes under that road in the township of Clifton, and to terminate at or in the said intended reservoir:

3rd. A conduit or line of pipes to commence in the said intended reservoir at Fox Royd, and to terminate in the Dewsbury and Leeds turnpike road at a point about 160 yards to the north-east of the point where the boundary line between the township of Dewsbury and the township of Soothill crosses that road.

Lateral deviation.

9. In the construction of the works authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of deviation marked thereon, and where the line of the proposed works is carried in or along any turnpike or other road to the extent of the fences on either side thereof; and where any of the said works are intended to pass under or over any canal authorised by Act of Parliament the same shall be executed so as not in any manner to obstruct or interfere with the free, uninterrupted, and safe user thereof, or to injure the fabric of any bridge over any canal, and under the superintendence and to the entire satisfaction and approval of the engineer for the time being of the said canal, as the case may be, the Corporation making compensation for any injury caused thereby, to be settled in case of difference by arbitration in manner provided by "The Local Government Act, 1858," sections 69 and 70; and it shall be lawful for any such company, their lessees or assigns, at any time and from time to time at their own expense to alter the situation and level of any work executed under the authority of this Act, or under or over the estate of such company, in such manner as to such company, their lessees or assigns, may seem expedient, upon giving to the town clerk of the borough seven days notice of their intention so to do, and making compensation for any injury caused thereby, to be settled in case of difference in manner aforesaid.

For the protection of the Lancashire and Yorkshire Railway Company.

10. In constructing and maintaining the works by this Act authorised affecting the Lancashire and Yorkshire Railway Company, in this section called the company, the following conditions shall be observed; namely,

The works shall be executed at the expense of the Corporation under the direction and to the reasonable satisfaction of the engineer for the time being of the company according to the plans and specifications previously submitted to the said engineer:

If the engineers of the Corporation and of the company differ concerning the said plans or specifications, or concerning the method in which the said works are executed, all such differences shall be settled by an engineer to be appointed by the two engineers, or if they cannot agree, upon a referee to be appointed by the Board of Trade on the application of either party:

The said works shall be constructed and maintained so that the traffic upon the railway of the company shall not be in anywise impeded:

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The Corporation shall acquire only an easement in and upon such of the land and property of the company as may be necessary for constructing and maintaining the said works:

If by reason of the construction and maintenance of the works the railway of the company or any of the works connected therewith shall be damaged or injured, the Corporation shall compensate the company for any loss or expense occasioned thereby:

The amount to be paid to the company for the acquisition of an easement upon their land and property as herein-before provided, including the compensation (if any) for damage or injury to the company or their railway and works, shall from time to time be settled in case of difference in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of land otherwise than by agreement.

Water supply to Savile estates, Hartishead, &c.

11. With respect to a supply of water to the estates of Henry Savile, Esquire, in the townships of Mirfield, Thornhill, and Soothill (in this section referred to as the three townships), or some of them, and to other parts of the three townships or some of them, the following provisions shall have effect; (namely,)

(1.) In this section the term "the tenant in possession" means the said Henry Savile during his life, and otherwise has the meaning assigned to it in The Savile Estate (Leasing) Act, 1861, or where the tenant in possession is a minor then the guardian (according to the meaning assigned to the term "guardian" by that Act) for the time being of the tenant in possession:

(2.) At any time not later than the end of six months after the expiration of the time limited by the Act of 1868 for the completion of the Widdop and Walshaw reservoirs therein named the tenant in possession may give notice in writing to the Corporation of his desire that a supply of water should be given under this section:

(3.) Within six months after receipt of that notice the Corporation shall fix and for ever thereafter maintain a meter at or near Clifton Bridge within the township of Brighouse, and the Corporation shall thenceforth for ever be entitled to interest at the rate of six per centum per annum on the amount of the prime cost of that meter and the meter-house and apparatus connected therewith:

(4.) If not later than the time aforesaid the Corporation are required by the same or some other notice in writing from the tenant in possession to lay a main and other appliances in connexion with the meter into the three townships, or any

of them, the Corporation shall within twelve months after receipt of that notice lay the same, and in that case the Corporation shall thenceforth for ever be entitled to interest at the rate of six per centum per annum on the aggregate amount of the following sums; (namely,) the cost of the main and other appliances so laid, the expenses of the laying thereof, the price paid for lands and easements for the purposes of this section, and the costs, charges, and expenses of and incident to the purchase and acquisition thereof; and to repayment of the expenses (if any) from time to time incurred by them in or about any work; or service done or rendered by them in relation to the repair or maintenance thereof; and the person or local authority taking a supply of water under this section (referred to in this section as the purchaser) shall, with the consent of the tenant in possession, have the option at any time of acquiring the same main and other appliances, including such lands or easements as last aforesaid, from the Corporation at prime cost, (including the expenses of the laying of such mains or other appliances, and of the purchase of such lands and easements,) and on the same being so acquired interest shall cease to be payable in respect thereof:

(5.) The Corporation shall not be bound in any case to maintain or repair the main or other appliances provided under this section beyond the meter in the township of Brighouse provided under this section:

(6.) When a meter has been fixed as aforesaid, and a main and other appliances have been laid in connexion therewith into the three townships or any of them, either by the Corporation or otherwise, the Corporation shall commence and (unless prevented by frost or accident or other reasonable cause) shall thenceforth for ever continue such supply of water as herein-after mentioned, (that is to say,) the Corporation shall be bound to deliver into the meter, and the purchaser to take quantities of water not less or more than the following; (namely,)

(*a.*) Until the Corporation commence taking water from any reservoir authorised by the Act of 1868, not less than twenty-five thousand gallons or more than seventy-five thousand gallons a day;

(*b.*) As soon as they commence and as long as they continue taking water from the Widdop reservoir alone, or from all or any of the Walshaw reser-

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voirs alone (of the time of which commencement they shall give previous notice in writing to the purchaser), not less than one hundred thousand gallons or more than three hundred thousand gallons a day;

(*c.*) As soon as they commence taking water from the Widdop reservoir, and also from all or any of the Walshaw reservoirs (of the time of which commencement they shall give notice as aforesaid), and until such quantities are increased as next herein-after authorised, not less than two hundred thousand gallons or more than six hundred thousand gallons a day;

(*d.*) From the expiration of ten years after the Corporation commence taking water from any reservoir authorised by the Act of 1868, and after one year's notice in writing to them from the purchaser, not less than three hundred thousand gallons or more than one million gallons a day:

(7.) Within the minimum and maximum limits for the time being fixed by or under this section the actual daily quantity to be supplied shall be at the option of the purchaser, to be exercised by notice in writing given in the month of December in each year, stating the quantity required to be supplied in and for the then next subsequent year, but if in the course of any year the minimum and maximum limits of daily supply become increased, under this section, the purchaser may by another notice in writing substitute for the residue of the then current year a larger daily quantity within the minimum and maximum limits then applicable:

(8.) The price of water supplied under this section shall be sixpence per one thousand gallons passed through the meter (exclusive of interest and expenses as aforesaid):

(9.) All money becoming due to the Corporation under this section shall be payable quarterly, namely, on the first day of January, the first day of April, the first day of July, and the first day of October in every year:

(10.) The Corporation shall deliver the water into the meter at a pressure sufficient to raise it into a reservoir placed in the township of Thornhill five hundred and seventy-five feet above the level of the sea, as shown on the map known as the Ordnance map:

(11.) The foregoing part of this section (except as far as regards interpretation of terms) shall not operate until provision has been made by lawful and binding agreement or engagement entered into with the Corporation by the tenant in possession, or some local authority with his consent, or by some person or persons to be approved of by the Corporation, with the consent of the tenant in possession, securing to the Corporation the payments to which they will from time to time according to circumstances be entitled under this section:

(12.) Such agreements or engagements, if more than one, may provide for present or future apportionment among the purchasers of the water to be supplied, and of their liabilities in respect of all or any of such payments, and may contain such other provisions as to the parties thereto seem desirable concerning any matter to which this section relates:

(13.) Any local authority empowered to provide for a supply of water to the three townships, or any of them, or any part thereof, shall be competent to enter into any such agreement or engagement as in this section mentioned, singly or jointly, with any person or with any other local authority:

(14.) If a difference arises between the Corporation and the tenant in possession or a local authority respecting any matter under this section, it shall be determined by arbitration under section 25 of the Lands Clauses Consolidation Act, 1845, and the enactments relative thereto and the costs of and incidental to the arbitration and award shall be in the discretion of the arbitrators or umpire, and the same shall be settled as between the parties by one of the masters of the Court of Queen's Bench if either party so desires:

(15.) Subject to the due performance by the Corporation of the requirements of this section, nothing therein shall take away or abridge any power which if this section had not been enacted the Corporation would have had to supply water in the three townships, or any of them, or elsewhere.

Period for completion of works.

12. If the works authorised by this Act are not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed, or in relation thereto, shall

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cease to be exercised, except as to so much thereof as is then completed.

Period for compulsory purchase.

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

Power to agree for easement.

14. The Corporation may from time to time for any purpose of this Act take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them, any easement, right, or privilege, not being an easement, right, or privilege of water, in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such easement, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to borrow for waterworks.

15. The Corporation from time to time under the authority of this Act may borrow at interest, in addition to any money which they have borrowed or are under their former special Acts authorised to borrow, all such sums as they think requisite for the purposes of the waterworks authorised by this Act, not exceeding in the whole fifteen thousand pounds, on security of their waterworks and the income thereof, and of the borough rate of the borough, and may mortgage the same accordingly, and money so borrowed shall be applied in the construction of the waterworks authorised by this Act and not otherwise; and all moneys which may be paid to the Corporation under the provisions of section 11 (sub-section 4) of this Act for the acquisition of the mains, appliances, lands, and easements therein mentioned shall forthwith upon receipt thereof be applied in payment of the moneys borrowed under this Act, and the money so paid off shall not be re-borrowed.

Priority of existing mortgages.

16. Nothing in this Act shall prejudice or affect the priority or other rights or remedies under any mortgages or securities granted by the Corporation or by the local board before the commencement of this Act, and then subsisting.

Power to erect gasworks.

17. The Corporation may by means of moneys which they are authorised to borrow for the purposes of their gasworks undertaking under the provisions of the former special Acts, or some of them, erect and maintain and from time to time improve or enlarge their gasworks, with all necessary or convenient apparatus for the manufac-

ture and storage of gas, on the lands described in the second schedule to this Act, or any part thereof, and all gasworks thereon for the time being shall be part of the gasworks undertaking of the Corporation, and no gasworks shall be made under the authority of this Act on any other lands; nor shall the Corporation erect works for the storage of gas within three hundred yards of any dwelling-house existing at the time of the erection of such works without the consent in writing of the owner, lessee, and occupier of every such dwelling-house.

Contracts for supplying gas for public purposes.

18. The Corporation on the one hand, and any local authority, or the trustees of any turnpike or other road, or any highway board constituted in pursuance of any Act relating to highways in England, or the surveyors of any highway, or any other corporation, body, or persons, on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of gas by the Corporation within their respective districts for public purposes, within the limits for the supply of gas under the Act of 1855, for any period not exceeding under any one such contract or arrangement seven years, and may from time to time by mutual consent vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto, and any local authority, trustees, corporation, body, or persons so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration, or other consideration payable to the Corporation under or by virtue thereof, any funds or money which they have raised or may raise under the powers of any Act of Parliament, and not required for the special purposes for which the same are authorised to be borrowed: Provided that the Corporation shall not supply gas or lay down any main or other pipes for the purpose of supplying gas to any part of the district of the Elland-cum-Greetland Gas Company as defined by section 4 of the Elland Gas Act, 1861, except to such part of that district as lies within the borough.

Tramways to gasworks

19. Sections 27, 28, and 29 of the Act of 1862 shall have effect with reference to the gasworks of the Corporation for the time being, and any tramway made by the Corporation under those sections as extended by this Act shall not be deemed a public railway.

Street improvements.

20. Section 98 of the Act of 1865 shall have effect not only for the purposes of the street improvements and works therein referred to, but also for the purposes of and in relation to any street improvement or work executed by the local board under the authority of the Public Health Acts or any other authority.

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Powers of constables.

21. In the provisions of the Towns Police Clauses Act, 1847, incorporated with the Public Health Acts, the term constable shall for the purposes of the borough include any constable of the borough appointed under the Municipal Corporation Acts.

Authority to accept the trusteeship of Sir Francis Crossley's loan fund.

22. So much of the recited deed of the 29th day of March 1870 as relates to the Sir Francis Crossley's loan fund, and the trusts affecting the same, is by this Act confirmed, and to all intents and purposes made valid and effectual at law and in equity: Provided that no trustees of the said fund shall be liable or responsible for any losses that may accrue in the execution of the said trusts.

Corporation may elect governors of Crossley Orphanage.

23. The Corporation may from time to time elect governors of the Crossley Orphan Home and School in accordance with the provisions of the herein-before recited charter and the deed therein referred to.

Prevention of nuisances by the Calder and Hebble Navigation.

24. For the purpose of improving the quality of the water in the Halifax branch canal, the company of proprietors of the Calder and Hebble Navigation, their lessees and assigns, shall within six months after the passing of this Act cease to take water from the Hebble Brook for the supply of that branch canal above Salter-hebble Bridge, and shall not pump any water for such supply from their canal after the expiration of the said six months, and so long as any water from the said Hebble Brook shall be taken into the said canal, except from and out of their Sowerby Canal, at a point not less than two hundred and fifty yards westward of the Salter-hebble Upper Lock; and for the purpose of rendering the water in the canal below Salter-hebble Bridge more pure the company may in addition to their present means of supply raise or use such water from the river Calder into or for the canal as may be requisite for the purposes of such navigation at any point not less than ten yards above the junction of the Hebble Brook with that river.

Saving rights of Calder and Hebble Navigation.

25. Except as herein expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, privileges, and authorities now vested in or used or exercised by the company of proprietors of the Calder and Hebble Navigation, and all their rights, privileges, and authorities may be had, exercised, and enjoyed as if this Act had not passed.

Saving rights of Lancashire and Yorkshire Railway.

26. Except as herein expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, privileges, and authorities of the Lancashire and Yorkshire Railway Company.

Saving rights of Elland Gas Company.

27. Except as herein expressly provided, nothing in this Act contained shall take away, prejudice, or affect any of the rights and powers of the Elland-cum-Greetland Gas Company.

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Expenses of Act.

28. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation.

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SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Former Special Acts.

Session and Chapter.	Short Title.	Short Reference.
16 & 17 Vict. cap. clxvii.	The Halifax Improvement Act, 1853	The Act of 1853.
18 & 19 Vict. cap. cxliv.	The Halifax Gas Act, 1855	The Act of 1855.
21 & 22 Vict. cap. xci.	The Halifax Park and Improvement Act, 1858.	The Act of 1858.
25 & 26 Vict. cap. xli.	Halifax Improvement Act, 1862	The Act of 1862.
28 & 29 Vict. cap. cxl.	The Halifax Extension and Improvement Act, 1865.	The Act of 1865.
31 & 32 Vict. cap. cxxvii.	The Halifax Corporation Waterworks and Improvement Act, 1868.	The Act of 1868.

THE SECOND SCHEDULE.

Lands on which Gasworks may be erected.

All those pieces of land, with the buildings erected on part thereof, situate at Salter Hebble, and immediately adjoining each other, partly within the township of Skircoat and partly within the township of Southowram, both in the parish of Halifax, and in the respective occupations of Adam Bird Shaw, Slater Joseph Shaw, and John Shaw, as the same pieces of land are bounded on or towards the west by the towing-path of the Calder and Hebble navigation, on or towards the north and east by the Halifax and Huddersfield turnpike road, and on or towards the south by the Salter Hebble, Stainland, and Sowerby Bridge turnpike road.

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