CHAPTER xxvi.

An Act to enable the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to work their tramways to construct street and road improvements and to make further provision for the good government of the Borough and for other purposes. A.D. 1897.

[3rd June 1897.]

WHEREAS the borough of Huddersfield in the west riding of the county of York is a county borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas the following among other Acts are in force within the borough (that is to say):—

The Huddersfield Improvement Act 1871; 34 & 35 Vict. c. cli.
The Huddersfield Waterworks and Improvement Act 1876; 39 & 40 Vict. c. c.
The Huddersfield Improvement Act 1880; 43 & 44 Vict. c. xcix.
The Huddersfield Corporation Act 1882; and 45 & 46 Vict. c. ccxxxvi.
The Huddersfield Tramways and Improvement Act 1890; 53 & 54 Vict. c. lv.

which Acts are in this Act collectively referred to as "the former Acts" and each of them separately as an Act of the year in which it was passed:

And whereas the Corporation under the powers of the Act of 1880 the Act of 1882 and the Act of 1890 have constructed various tramways in the borough:

And whereas it was by the Act of 1882 provided that if the Corporation were unable to demise their authorised tramways upon such terms as would in the opinion of the Board of Trade yield an adequate rent therefor the Board of Trade might grant the Corporation licence to work the said tramways whereupon the Corporation might provide the plant requisite for the purpose:

And whereas the Corporation having been so unable the Board of Trade granted the Corporation a licence for the working of the

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said tramways and the Corporation are now working the same with advantage to the inhabitants of the borough and it is expedient that the before-mentioned condition and restriction on the grant of such licence should be removed and that the provisions as to the working of the tramways of the Corporation should be altered and enlarged:

And whereas it is expedient that the Corporation be authorised to make the street improvements herein-after described:

And whereas the Corporation are the owners of the undertaking whereby the borough is supplied with gas and have for many years past been manufacturing gas and the residual products arising from such manufacture on lands described in Part II. of the First Schedule to this Act but it is doubtful whether such user of those lands has been sanctioned by Parliament and it is expedient that such user should be confirmed:

And whereas it is expedient that the other provisions in this Act contained for the good government and improvement of the borough should be made:

And whereas it is expedient that further borrowing and other powers be conferred upon the Corporation and that they be empowered to lend moneys to the Huddersfield School Board and the guardians of the poor of the Huddersfield Union:

And whereas by the Act of 1882 the Corporation were empowered to exercise their statutory borrowing powers for the time being by means of the creation and issue of Corporation stock:

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the various works by this Act authorised and such estimates are as follows:—

For street improvement purposes eighteen thousand one hundred and twenty-eight pounds;

For the acquisition of lands for sanitary purposes sixteen thousand five hundred and sixteen pounds:

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

And whereas the Corporation have unexercised borrowing powers not required for the purposes for which the same were granted and available for the purposes of this Act:

And whereas an absolute majority of the whole number of the Council at a meeting held on the fifteenth day of December one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Huddersfield Daily Examiner a newspaper published and

circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the twentieth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the west riding of the county of York and 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):—

Part I.—Preliminary.

1. This Act may be cited as the Huddersfield Corporation Act 1897. Short title.

2. This Act is divided into parts as follows:— Act divided into parts.

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Gas.
Part IV.—Street works.
Part V.—Lands.

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Part VI.—Recreation grounds.
Part VII.—Buildings &c.
Part VIII.—Finance.
Part IX.—Miscellaneous.

Incorporation of Act.

3. The following Acts and parts of Acts (that is to say) :—
The Lands Clauses Acts ;
Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 ; and
The Gasworks Clauses Act 1847 ;
as far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act And the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Corporation as if the same had been authorised by this Act.

Interpretation.

4. In this Act unless the subject or context otherwise require—
Terms to which meanings are assigned by Acts wholly or partially incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings ;
"The borough" means the county borough of Huddersfield ;
"The Corporation" means the mayor aldermen and burgesses of the borough ;
"The council" means the town council of the borough ;
"The mayor" means the mayor of the borough ;
"The town clerk" and "the surveyor" respectively mean the town clerk and the borough surveyor of the borough ;
"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough ;
"Tramway revenue" means all moneys received for or in relation to the tramways other than borrowed moneys and other moneys which ought to be carried to capital account ;
"Gas revenue" means all moneys received for or in relation to the supply of gas other than borrowed moneys and other moneys which ought to be carried to capital account ;
"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same ;
"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same ;
"Structure" includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other erection construction or building :

The provisions of this Act mentioning or relating to Sir John Ramsden shall be deemed to extend and apply not only to the present Baronet Sir John William Ramsden his heirs and assigns but also to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates in the borough from time to time subject to the uses for the time being subsisting of the will of Sir John Ramsden Baronet deceased or of any settlement or re-settlement thereof or of any Act of Parliament relating to the same and the trustees and trustee for the time being acting under such will settlement re-settlement or Act.

Limits of Act.

5. This Act except where otherwise expressed or implied shall apply exclusively to the borough.

Act to be executed by council.

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

Part II.—Tramways.

Power to Corporation to work their tramways.

7.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages on and may work and may demand and take tolls and charges in respect of any tramways within the borough now belonging to the Corporation or authorised in or prior to the present Session of Parliament to be constructed by them and in respect of the use of such carriages and may provide such stables buildings carriages motor-cars trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences and may construct and place all such works poles posts and boxes in on and under and all such electric lines along or over any streets in the borough as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and the provisions of section 17 of the Act of 1882 and so much of section 12 of the Act of 1890 as relates to the said section 17 are hereby repealed.

(2) The Corporation shall use such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Corporation to cease to use such system and the Corporation shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

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(3) The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

(4) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

(5) Nothing in this section shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

Regulations as to the use of electric power.

8. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the Board of Trade regulations") with respect to the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) If the Corporation use electric power contrary to the provisions of this Act or to any of the Board of Trade regulations they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether such penalty has been recovered

or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the Board of Trade regulations may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(5) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or for telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Corporation and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be.

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For the protection of the Postmaster-General.

9. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

(4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :-

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against

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the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

For protection of the London and North Western Railway Company.

10. In constructing and maintaining any pipes and excavations under the existing and authorised tramways of the Corporation in order to lay use or maintain cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using or maintaining any such cables or apparatus in any place where such tramways cross any railway tunnel or bridge carrying any road over any railway or canal of the London and North Western Railway Company (herein-after called "the Railway Company") the following provisions shall be in force and have effect and be binding upon the Corporation and their successors and assigns:—

(A) The Corporation shall not in any way alter or interfere with the structure of any such tunnel or bridge or of the approaches thereto and they shall so construct lay and maintain such cables and apparatus over such tunnel or bridge and the approaches thereto as not injuriously to affect the same:

(B) In the event of any injury being caused to any such tunnel bridge or approaches by the construction maintenance laying repairing user or removal of such cables and apparatus the railway company may at the expense of the Corporation restore such tunnel bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the railway company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such tunnel bridge and approaches as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 and the railway company may recover from the Corporation all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount is recoverable:

(C) All works which may be necessary in constructing laying and maintaining any of the said cables or apparatus over any railway tunnel bridge works or other property of the railway company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the railway company or in case of difference of an engineer to be appointed by the

Board of Trade on the application of the railway company or the Corporation :

(d) Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the railway company otherwise than is by this Act expressly provided.

Part III.—Gas.

Power to construct additional gasworks &c.

11. Subject to the provisions of this Act the Corporation may hold the lands or any part of the lands described in Part II. of the First Schedule to this Act and may thereon continue and maintain their existing works and erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts valves gas-holders receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar cyanide naphtha pitch asphaltum ammoniacal liquor sulphate and carbonate of ammonia oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas or of residual products arising therefrom and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit but nothing in this section shall confer upon the Corporation any greater estate or interest in any of the said lands than is granted to them by or under the respective leases from Sir John Ramsden under which they now hold the said lands or relieve the Corporation from the covenants and conditions contained in such leases respectively or be deemed to authorise the Corporation except by agreement with Sir John Ramsden to hold or utilise the lands otherwise than in accordance with the terms of the leases affecting the same respectively.

Lands to be used for manufacture of gas &c.

12. The lands on which alone the Corporation shall manufacture gas or any residual products shall be the lands described in Part I. and Part II. of the First Schedule to the Act of 1876 and by that Act authorised to be so used and the lands belonging or reputed to belong to the Corporation described in the First Schedule to this Act and the Corporation shall not store gas except on those lands unless with the consent of the owners lessees and occupiers of every

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dwelling house within three hundred yards of the land intended to be used for such storage.

Power to inspect gas fittings in new buildings.

13. Every person intending to lay down or fix any pipes or other fittings for the distribution or supply of gas by the Corporation in any new building within the limits for the supply of gas by the Corporation and which are intended to be covered over shall before such pipes or fittings be covered over give to the Corporation twenty-four hours' notice in writing specifying the situation of such building and any officer of the Corporation duly appointed for that purpose may before the expiration of such notice enter such building between the hours of ten in the forenoon and four in the afternoon and inspect such pipes and fittings and may by order in writing prohibit any such as by reason of improper arrangement inferior workmanship or insufficiency in size or material will in the opinion of such officer be dangerous by allowing the escape of gas or be insufficient to ensure a satisfactory supply of gas to such building and if any person shall fail to give such notice as aforesaid or shall refuse entry to such officer into such building within the time and for the purpose aforesaid or shall prevent him from making such inspection or shall not to the reasonable satisfaction of such officer make such alteration in the pipes and fittings as he may reasonably require the Corporation shall not be bound to furnish to such person a supply of gas for such house building or premises Provided that any person deeming himself aggrieved by any order made under this section may appeal to two justices sitting in petty sessions within seven days after the date of the said order Notice of the provisions of this section shall be given by advertisement published three times in each of three newspapers published in the borough.

Alteration of testing place for gas.

14. The testing place prescribed by section 28 of the Act of 1876 may be removed by the Corporation from its present position in Leeds Road to the position shown on a plan of the gasworks of the Corporation signed in duplicate by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords One copy of the said plan shall be deposited in the Parliament Office and the other copy shall be kept at the town hall of the borough and shall be open at all reasonable hours to the inspection of any person supplied with gas by the Corporation.

Part IV.—Street Works.

Power to make street improvements.

15. Subject to the provisions of this Act the Corporation may if they think fit in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the

deposited book of reference make and maintain the street improvements and works and do the things following wholly within the borough (that is to say):—

Work No. 1.—The widening and improving of Holly Bank Road on the north side thereof wholly in the township of Lindley-cum-Quarmby in the parish of Huddersfield commencing at the east side of Lidget Street about three yards north of the junction of Holly Bank Road with that street and terminating in Halifax Road about thirteen yards north of the junction of Holly Bank Road with that road:

Work No. 2.—The improving of the junction of Holly Bank Road with Lidget Street wholly in the said township of Lindley-cum-Quarmby commencing at a point in Lidget Street on the east side thereof in line with the northern gable of the Fleece Inn and terminating about thirty-eight yards east of the south-west corner of Holly Bank Road:

Work No. 3.—The widening and improving of East Street (Lindley) on the south side thereof wholly in the said township of Lindley-cum-Quarmby for a distance of thirty-three yards measured in an easterly direction from a point on the east side of Lidget Street about six yards south of its junction with East Street and for a distance of sixty-three yards measured in an easterly direction from a point about forty-one yards west of the west side of George Street:

Work No. 4.—The widening and improving of Kingcliffe Road (Fartown) on the south-west side thereof wholly in the said township and parish of Huddersfield commencing at a point on the east side of Filbert Street about eight yards south of its junction with Kingcliffe Road and terminating in Kingcliffe Road about twenty yards north-west of the north-west side of Beacon Street:

Work No. 5.—The widening and improving of West Street (Lindley) on the south side thereof wholly in the said township of Lindley-cum-Quarmby commencing at a point on the east side of Dearne Fold about one-and-a-half yards south of its junction with West Street and terminating in West Street at a point about twenty-nine yards west of the west side of Thornhill Street:

Work No. 6.—The widening and improving of Plover Road on the south side thereof wholly in the said township of Lindley-cum-Quarmby commencing at a point about forty-one yards east of its junction with New Hey Road and terminating in Wellington Street at a point about seven-and-a-half yards south of the junction of that street with Plover Road:

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Work No. 7.—A new street or road in continuation of William Street South wholly in the township and parish of Huddersfield commencing by a junction with Union Street and terminating by a junction with Back Union Street:

Work No. 8.—A new street or road in continuation of Great Northern Street wholly in the said township and parish of Huddersfield commencing by a junction with Union Street opposite the north end of Hawk Street and terminating by a junction with Back Union Street:

Work No. 9.—The improving of Somerset Road wholly in the township and parish of Almondbury by the removing of so much of the Graybottom Dyeworks as projects into the said road:

Work No. 10.—The widening of Saint Thomas' Road at its east end and on both sides thereof wholly in the township of Lockwood in the parish of Almondbury commencing at the junction of Hope Street with Saint Thomas' Road and terminating on the north side at a point about seven yards north-east of its junction with Lockwood Road and on the south side at a point about four yards south-west of its junction with the said road:

Work No. 11.—The widening and improving of Vicarage Road on the south-west side thereof wholly in the township of Longwood in the parish of Huddersfield commencing at a point about sixty-two yards south-east of its junction with Thornhill Road and terminating at a point about eight yards west of its junction with Cliff Lane:

Work No. 12.—The widening and improving of Longwood Road on the north side thereof wholly in the township of Lindley-cum-Quarmby in the parish of Huddersfield commencing at the south-east corner of Cliff Lane at its junction with Longwood Road and terminating at a point about one hundred and seventeen yards west of Harp Road:

All necessary approaches bridges retaining walls piers abutments embankments arches goits sewers drains culverts conveniences and works in connection with the foregoing street improvements and works or any of them.

New streets to be fenced.

16. The Corporation shall construct on either side of any new street by this Act authorised or any street widened under the powers of this Act a good and sufficient fence for protecting such lands from trespass and preventing cattle from straying thereout on to the said street either during the construction or after the completion thereof and shall thereafter maintain such fences in good and substantial repair until the land abutting on the said street shall have been sold or leased for building purposes.

Buildings partly demolished &c. not to be left unsightly.

17. The Corporation shall not where any house or building acquired by them under the powers of this Act has been demolished by them for the purposes of any new street or street improvement authorised by this Act leave the flanks thereof or of any adjoining structures in an unsightly condition.

Extension of certain powers of former Acts to street improvements.

18. The following sections of the former Acts (that is to say):—

Of the Act of 1871—

Section 17 (Alteration of level of pavements &c.);

Section 18 (Streets may be stopped for temporary purposes);

Section 85 (Power to make minor works connected with new streets &c.);

Section 86 (Alterations of sewers gas and water pipes);

Section 88 (Agreements with Sir John Ramsden for streets); and

Section 96 (Power to deviate from levels &c.):

And of the Act of 1876—

Section 26 (Elevation of buildings fronting streets to be as Corporation approve);

shall (except as herein-after provided) extend and apply mutatis mutandis to and in relation to the street improvements and works by this Act authorised:

Provided that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire or other apparatus laid down for telegraphic or other purposes and belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Time for completing works.

19. If the works shown on the deposited plans and authorised by this Part of this Act be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Part of this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Part V.—Lands.

Power to Corporation to take lands.

20. Subject to the provisions of this Act the Corporation may enter upon take use and hold all or any part of the lands delineated on the deposited plans and described in the deposited book of reference and may hold such of them as the Corporation have already acquired and may use for sanitary purposes such of those lands as are described in the Second Schedule to this Act and as they have already acquired or as they may acquire under the powers of this Act.

The Corporation shall not on any of the said lands deposit any night-soil dung animal or vegetable matter nor shall they do or

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permit to be done on any of the said lands anything which will create a nuisance and the Corporation shall use the best reasonably practicable means to remove all offensive matter from any material deposited on the said lands and the Corporation shall be liable to a penalty not exceeding twenty pounds for every breach of the provisions of this section which penalty shall be recoverable summarily and shall be without prejudice to any other rights or remedies in respect of such breach.

Provisions as to lands "A" and "E."

21. With respect to the lands "A" and "E" respectively described in the Second Schedule to this Act the following provisions shall have effect (that is to say) :—

(1) Sir John Ramsden or his principal Huddersfield estate agent may at all reasonable times enter upon the said lands "A" and "E" or any part thereof to inspect the same for the purpose of ascertaining whether the provisions of this Act with respect to the user thereof are complied with :

(2) The Corporation shall construct and maintain a post and rail fence of not less than four feet in height around the whole of the said lands so long as the same shall be used for sanitary purposes under the provisions of the last preceding section :

(3) The Corporation shall not raise the level of the said lands to a greater height than is shown upon the sections thereof signed in duplicate by Frederick Watson Beadon on behalf of Sir John Ramsden and James Willie Armitage on behalf of the Corporation nor so that the slopes on the north and west and east sides of the lands "A" or the slopes on the south side of the lands "E" shall be of steeper inclination than the inclinations respectively shown on those sections.

Correction of errors as to lands.

22. If any omission misstatement or wrong description of any lands or of any owner lessee or occupier of any lands described in or intended or purporting to be described in the deposited plans and book of reference be discovered the following provisions shall have effect (that is to say) :—

The Corporation after giving ten days' notice in writing to the owners lessees and occupiers of the lands in question may apply to two justices acting for the said west riding for the correction thereof :

If it appears to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described :

The certificate shall be deposited with the clerk of the peace for the said west riding and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate:

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may enter on take and use the lands for the several purposes to which they are appropriated by this Act in accordance with the certificate:

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

For protection of Springdale and Lockwood estates.

23. For the protection of the estates adjoining the lands "A" described in the Second Schedule to this Act and known as the "Springdale" and "Lockwood" estates (which estates are respectively edged green and yellow on the plan signed by Joe Burman Abbey and James Willie Armitage and herein-after called "the signed plan") the following provisions shall have effect (that is to say):—

(1) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any part of the lands forming part of the Springdale Estate and situate westward of the eastern side of the intended Street No. 1 shown on the signed plan and shall before commencing to use any portion of the site "A" purchase and acquire in addition to the portion of the said estates included within the limits of the said site the lands lying eastward of the intended Street No. 1 between the points "Y" and "Z" on the said signed plan:

(2) The Corporation shall not construct or permit the construction of any houses abutting on the said road except dwelling-houses of a similar character and value to those already built in Fisher Street and the line of any buildings erected on the eastern side of the said intended street shall be set back from the boundary of the said street to the same extent as the houses in Fisher Street:

(3) The Corporation shall not be called upon or be liable to pay any costs or charges in respect of the construction or making of the intended Street No. 1 unless or until the Corporation shall use the same.

Limitation of time for compulsory purchase of lands.

24. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

25. The Corporation may (in addition to the lands they are authorised to acquire and hold under the powers of the former Acts and under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole for the purposes of this Act twenty acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) which shall be deemed necessary by the Corporation but the Corporation shall not deal with any such lands so as to create or permit a nuisance.

Consideration for such acquisition.

26. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Restrictions on displacing persons of labouring class.

27.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the

scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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

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

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

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

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and

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every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

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

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

Owners may be required to sell parts only of certain lands and buildings.

28. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or

compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any

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such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Provisions as to sale and lease of lands.

29. The provisions of the following sections of the Act of 1880 (that is to say) :—

Section 99 (Power to take easements &c. by agreement) ;

Section 102 (Corporation may use their own lands for purposes of Act) :

And the provisions of the following sections of the Act of 1871 (that is to say) :—

Section 326 (Power to grant building leases of lands near park &c.) ;

Section 327 (Power to make agreements as to building leases &c.) ;

Section 328 (Sale of land subject to building leases &c.) ;

Section 329 (Power to sell without previous grant of building lease) ;

Section 330 (Sales to be made within limited time) ;

Section 331 (Power to sell &c. lands not wanted) as explained by section 103 of the Act of 1880 ; and

Section 333 (Lands in certain cases not to be sold without consent of Treasury) ;

shall (so far as they are not inconsistent with the provisions of this Act) extend and apply mutatis mutandis to the acquisition lease and sale of lands acquired by the Corporation under the powers of this Act and of lands acquired by the Corporation under the powers of former Acts and not required for the purposes for which they were acquired :

Provided as follows (that is to say) :—

(A) This section or the foregoing section of this Act the marginal note whereof is "Consideration for such acquisition" shall not

be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act had not been passed:

(b) In construing the said section 333 for the purposes of this Act the Local Government Board shall be substituted for the Commissioners of Her Majesty's Treasury:

(c) If the Corporation appropriate for purposes of this Act any lands acquired under the powers of any of the former Acts they shall debit the account for which the said lands are appropriated with a reasonable sum by way of purchase money for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Part VI.—Recreation Grounds.

Power to accept gifts of lands for recreation grounds.

30. The Corporation may accept and hold upon such terms and conditions as they think fit any land which any person to the extent of his estate and interest therein may offer to them as and for a place of public resort or a recreation ground and any person to the extent of his estate and interest therein may grant dedicate convey or devise any land to the Corporation for the purpose or purposes aforesaid the provisions of any Act or rule of law to the contrary notwithstanding and particularly the Corporation may accept the gift of and hold all the estate and interest of James Nield Sykes in certain lands in the said township of Lindley-cum-Quarmby and of George William Shaw in certain lands partly in that township and partly in the said township of Longwood and shall appropriate the said respective lands as conveyed to them for the purposes of places of public resort or recreation.

The Corporation may exercise in relation to all or any of the lands in this section referred to all or any of the provisions of the following sections of the former Acts (that is to say):—

Section 205 (Power to purchase lands for formation of parks and to form parks &c.);

Section 206 (Power to make byelaws for regulation of parks &c.);

of the Act of 1871:

And section 11 (Power to close park on special occasions);

of the Act of 1880.

The existing byelaws of the Corporation relating to recreation grounds shall unless and until altered extend and apply to the lands so appropriated for the purposes of places of public resort or recreation.

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PART VII.—BUILDINGS &c.

As to the erection of temporary buildings.

31.—(1) Before any person erects any temporary building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and section of the proposed temporary building and a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended and in default of making such application he shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) The Corporation shall within fourteen days after the delivery of the plan and section and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect the same.

(3) The Corporation may attach to their approval any condition which they deem proper with regard to the sanitary arrangements of such building the ingress thereto and egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such temporary building is commenced without such application or after the disapproval of the Corporation or before the expiration of the said fourteen days without such approval or is in any respect not in conformity with the conditions imposed by the Corporation or is not removed within the period allowed by the Corporation (or any prolongation thereof) the Corporation may cause such building to be pulled down and removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting the same at their discretion.

The following buildings and works shall be exempt from the operation of this section :—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough with respect to new buildings and any tent or stand not remaining for more than seven days ;

(B) Any wooden or other structure of a movable or temporary character erected for use during the construction alteration or repair of any building but such structure shall be taken down or removed immediately after the completion of such construction alteration or repair ; and

(C) Any wooden or other structure erected for the purpose of protecting or of preventing the acquisition of right of light.

Power to sell materials of temporary buildings.

32. Where a temporary building is taken down or removed by the Corporation under the powers of this Part of this Act the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale or any part thereof either in or towards payment of the costs and expenses incurred by them in relation to such building or shall pay the same or any part thereof to the owner of such structure as a court of summary jurisdiction shall determine.

Saving for Crown buildings.

33. Without prejudice to any existing right of Her Majesty there shall be exempted from this Part of this Act any temporary building erected by or under the authority of any department of Her Majesty's Government.

Part VIII.—Finance.

Interpretation of "statutory security."

34. In this Part of this Act "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 and not being a security transferable by delivery.

Power to borrow.

35. The Corporation may from time to time (in addition to any moneys they are authorised to borrow or which they may be authorised to borrow under any other Act passed or Provisional Order confirmed in this present Session of Parliament) borrow at interest on the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums not exceeding in the aggregate fifty thousand pounds (that is to say) :—

For paying the costs charges and expenses of this Act as hereinafter defined the sum required for that purpose ;

For street works and improvements on the security of the borough fund any sum not exceeding eighteen thousand one hundred and twenty-eight pounds ;

For the purchase of the additional lands on the security of the borough fund and borough rate any sum not exceeding sixteen thousand five hundred and sixteen pounds :

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and

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re-borrowing shall not be restricted by any of the provisions of the Municipal Corporations Acts or of the Public Health Act 1875 or of the Local Government Act 1888.

Provision as to mortgages.

36. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases);

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

Certain provisions of Act of 1882 extended to this Act.

37. Part XI. (Corporation stock) of the Act of 1882 shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to all moneys borrowed under the powers of this Act:

Provided as follows (that is to say):—

The Corporation shall not issue any irredeemable stock:

The Corporation shall not invest any sinking fund created under the powers of this Act except in statutory securities:

The Stamp Act 1891 shall be substituted for section 53 of the Inland Revenue Act 1880 in Sub-division A of the Third Schedule of the Act of 1882.

Amendment of Act of 1882 as to Corporation stock.

38. Notwithstanding anything contained in section 61 of the Act of 1882 the Corporation may exercise any statutory borrowing power by the creation under the powers of that Act of stock redeemable within the periods prescribed for the repayment of borrowed moneys which the Corporation are authorised to borrow and bearing such rate of dividend as the Corporation shall determine Provided that all such stock shall be created on and subject to such terms and conditions as that the same shall rank pari passu with all Corporation stock created under the Act of 1882 The Huddersfield Corporation (three per centum) redeemable stock created by resolutions of the Council dated the thirtieth day of July one thousand eight hundred and ninety and the seventeenth day of May one thousand eight hundred and ninety-three respectively shall be respectively deemed to have been issued under the powers of this section.

As to repayment of borrowed moneys.

39. The Corporation shall repay moneys borrowed under the powers of this Act other than moneys borrowed to lend to a borrowing authority within the following periods from the date of the borrowing of the said moneys respectively (that is to say):—

For the purpose of paying the costs of this Act within any period not exceeding five years;

For all other purposes within any period not exceeding fifty years:

And such repayment shall be effected—

Either by equal yearly or half-yearly instalments of principal or of principal and interest combined;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund;

Every such instalment or instalments shall be paid out of the funds and rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed.

As to sinking fund.

40. The following provisions shall apply as to the sinking fund (that is to say):—

(1) The Corporation in every year after the respective dates in that behalf by this section prescribed shall appropriate and set apart out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed on such security within the periods by this Act prescribed so far as the same are to be paid off by means of a sinking fund:

(2) The first payment to the sinking fund for repayment of moneys to be borrowed under the powers of this Act shall be made on or before the thirty-first day of March next following the time of the borrowing of the moneys in respect of which the payment is to be made:

(3) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any statutory security:

(4) The Corporation may at any time apply the whole or part of such sinking fund in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided as follows (that is to say):—

(A) That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based;

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(b) That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto;

(c) That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to Corporation to lend to school board and guardians.

41.—(1) Subject to the provisions of this Act the Corporation may from time to time advance by way of loan to the Huddersfield School Board and the Guardians of the Poor of the Huddersfield Union respectively (each of which bodies is in this Act included in the expression "borrowing authority") such sum or sums of money as the borrowing authority is for the time being by law authorised to borrow and is desirous to borrow from the Corporation upon the security of any rates or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

(2) The Corporation may borrow any sum or sums required by them for a loan to the borrowing authority and may mortgage or charge the borough fund and borough rate for the purpose.

(3) The following provisions shall apply to moneys borrowed or raised for the purpose of loans to a borrowing authority:—

(a) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined:

(b) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough

fund and if after the application or investment of the sum so set apart or the payment thereof into the sinking fund (if such moneys be not raised by the issue of stock) or into the loans fund established in respect of Huddersfield redeemable stock (if such moneys be raised by the issue of stock) the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(4) The following provisions shall apply to moneys borrowed and not raised by the issue of stock :—

(A) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority :

(B) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance if any being carried to the credit of the borough fund :

(C) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (B) of this section) and all sums set apart out of the borough fund under subsection (3) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5) The following provisions shall apply to moneys raised by the issue of stock :—

(A) All sums received from the borrowing authority for interest shall be paid into the said loans fund and shall be applied in paying the dividends on stock :

(B) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (B) of this section) and all sums set apart out of the borough fund for payment into the said loans fund in pursuance of subsection (3) of this section shall be paid into the said loans fund and shall be applied in the redemption or purchase and

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extinction of such stock and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise:

(c) If the sum received as interest from any borrowing authority or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied the surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on the said stock.

(6) If any doubt shall arise as to how much of any sum received by the Corporation from any borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

Corporation not to regard trusts.

42. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Incorporation of certain sections of the Act of 1890.

43. The following sections of the Act of 1890 (that is to say):—
Section 33 (Power to re-borrow);
Section 34 (Application of moneys from sale &c. of lands);
Section 35 (Sinking funds may be adjusted in certain events);
Section 37 (Power to borrow under Local Loans Act 1875);
Section 38 (Annual return to Local Government Board with respect to sinking funds &c.); and
Section 40 (Application of moneys borrowed);
shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the moneys borrowed by the Corporation under the powers of this Act and to the repayment thereof.

Expenses of executing Act.

44. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys or as are incurred in relation to Corporation stock) shall be paid as follows (that is to say) :—

Expenses incurred in relation to tramways out of tramway revenue ;

Expenses incurred in relation to gasworks out of gas revenue ;

All other expenses out of the borough fund :

And all deficiencies in either of the said revenues shall be met out of the borough fund and all moneys payable to or receivable by the Corporation under this Act or any byelaw thereunder shall be carried to the borough fund and to the proper account therein.

As to rating of railways for certain purposes.

45. Section 341 of the Act of 1871 (Assessments for tithes railways &c. in certain cases) shall be incorporated with and form part of this Act and shall extend and apply to any increase or addition made under the authority of this Act to any borough rate levied for purposes other than purposes with respect to which the partial exemption is not at present applicable.

Part IX.—Miscellaneous.

Town clerk may represent Corporation.

46. The town clerk may represent the Corporation in any proceeding for or in relation to the liquidation and winding up of any Company corporate or unincorporate.

Byelaws.

47. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act except to those byelaws which are by this Act made subject to confirmation by the Board of Trade.

Expenses of Local Government Board.

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

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

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As to appeal.

49. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may unless otherwise expressly provided appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

For the protection of the Corporation of Wakefield.

50. For the protection of the Corporation of Wakefield the following provisions shall have effect (that is to say) :—

(1) Before commencing to in anywise alter or interfere with any of the water mains or pipes and valves of the Corporation of Wakefield laid within the borough of Huddersfield or within any parish or place in which any works are by this Act authorised to be constructed the Corporation shall give reasonable notice thereof in writing to the Corporation of Wakefield and such notice shall be accompanied with plans and sections showing the proposed works and the Corporation of Wakefield shall within fourteen days after the deposit of such notice plans and sections with the town clerk of Wakefield notify the Corporation in writing their approval or disapproval of such plans and sections and the grounds thereof and in the absence of such notification the said plans and sections shall be deemed to be approved and in case of dispute or difference as to the mode in which such works are to be carried out such dispute or difference shall be referred to some one person to be mutually agreed upon between the Corporation and the Corporation of Wakefield or on their failing to agree such person as may be nominated by the Board of Trade The works consequent upon such alteration or interference shall be carried out to the reasonable approval of and under the superintendence and control of the Corporation of Wakefield or their engineer:

(2) The works authorised by this Act shall be so constructed as not to cause damage to the said water mains or pipes and valves and if at any time hereafter any damage be in any manner caused to such water mains or pipes or valves in consequence of the execution of the works so as aforesaid authorised by this Act all loss costs damage and expenses which the Corporation of Wakefield may incur or be put unto in respect thereof shall be paid to them by the Corporation:

(3) No works authorised by this Act to be constructed by the Corporation shall be constructed so as to prevent the Corporation of Wakefield having sufficient and convenient access to the

said water mains or pipes and valves for the purpose of the reparation and renewal as the same at present exists :

(4) The Corporation shall and will at all times afford to the Corporation of Wakefield their servants and workmen facilities for carrying out any works of reparation and renewal of the said water mains or pipes and valves and for that purpose will whenever thereunto required by the Corporation of Wakefield take up so much of the tramways and other works belonging to them as may be necessary and such works of reparation and renewal shall be carried out by the Corporation of Wakefield with the utmost despatch.

Saving of rights of lord or lords of the manors of Huddersfield and Almondbury.

51. Subject to the express provisions of this Act nothing in this Act contained shall extend to or be deemed construed or taken as in anywise extending to extinguish prejudice diminish affect or disturb or as authorising anything to be done or omitted to be done so as to extinguish prejudice diminish affect or disturb any right privilege franchise incorporeal hereditament or profit belonging to the lord or lords of the manors of Huddersfield and Almondbury respectively for the time being or belonging to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates from time to time subject to the subsisting uses of the will of Sir John Ramsden Baronet deceased or of any settlement or re-settlement thereof or of any Act of Parliament relating to the same or reserved or conferred by the Act of Parliament passed in the seventh and eighth years of the reign of King George the Fourth intituled "An Act for supplying with Water the Town and "Neighbourhood of Huddersfield in the West Riding of the County "of York" or by the Act of Parliament passed in the eighth and ninth years of the reign of Her present Majesty intituled "An Act "to alter enlarge and amend an Act for supplying with Water the "Town and Neighbourhood of Huddersfield in the West Riding "of the County of York" or by the Huddersfield Improvement Act 1848 or any of them but such rights privileges incorporeal hereditaments and profits respectively subject as aforesaid shall remain continue and be used exercised enjoyed and taken in the same manner in all respects as if this Act had not been passed.

Expenses of Act.

52. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Lands for the Manufacture of Gas and Residual Products.

Part I.

Lands belonging or reputed to belong to the Corporation on which they are at the passing of this Act authorised to manufacture gas and residual products which lands are described in the First Schedule to the Act of 1876.

Part II.

The following lands (that is to say):—

(1) A piece of land containing an area of eighteen thousand nine hundred and eighty square yards or thereabouts held under lease from Sir J. W. Ramsden Baronet dated the thirty-first day of December one thousand eight hundred and ninety-two for a term of nine hundred and ninety-nine years having on the northern boundary a measurement in two lines of two hundred and seventy-seven feet six inches and one hundred and thirty-seven feet on the south one line of six hundred and seven feet long forming one side of Gasworks Street and one line of one hundred and eighty-four feet on the east a line of two hundred and fifty-three feet abutting on Saint Andrew's Road and on the west a line measuring three hundred and twenty-five feet on the towing-path of Sir J. W. Ramsden's canal and two hundred and six feet in the north-westerly direction in two lines Bounded on the north by the property of or reputed to belong to Sir J. W. Ramsden on the south by Gasworks Street on the east by Saint Andrew's Road on the west partly by Sir J. W. Ramsden's canal and partly by tenements belonging or reputed to belong to the Corporation:

(2) A piece of land situate in Leeds Road Huddersfield containing by admeasurement on the east side thereof in two lines one hundred and sixty-two feet six inches and seventy-four feet six inches on the west side thereof in three lines one hundred and ten feet six inches seventy-four feet six inches and fourteen feet six inches on the north side thereof in four lines one hundred and thirty-six feet eight feet six inches fifteen feet and seventy-four feet six inches and on the south side thereof one hundred and eighty-four feet and in the whole three thousand six hundred and sixty-five square yards or thereabouts Bounded on the east side thereof partly by ground belonging or reputed to belong to Sir J. W. Ramsden and leased by the Corporation on the west side thereof partly by Leeds Road aforesaid partly by

an occupation road and partly by tenements in lease to Tom North Swift on the north side thereof partly by the said occupation road partly by tenements in lease to Tom North Swift and partly by tenements in lease to Charles William Learoyd and executors and on the south side thereof by ground belonging or reputed to belong to the said Sir J. W. Ramsden and leased by the Corporation:

(3) A piece of land containing an area of one thousand three hundred and seventy-six square yards or thereabouts held under a lease from Sir J. W. Ramsden Baronet dated the twenty-seventh day of February one thousand eight hundred and eighty-nine for a term of nine hundred and ninety-nine years having on the north a measurement of one hundred and eight feet nine inches on the south seventy-six feet three inches on the east one hundred and thirty-eight feet nine inches on the west one hundred and thirty-three feet six inches Bounded on the north by the tenements in lease to the Corporation on the south by an intended new street on the east by Saint Andrew's Road and on the west by tenements in lease to George Sales Jarmain:

(4) A piece of land containing an area of seven hundred and eleven square yards held under lease from Sir J. W. Ramsden having on the north boundary a measurement of one hundred and twenty-five feet on the south one hundred and twenty-five feet six inches on the east twenty-two feet three inches and on the west fifty-one feet three inches Bounded on the north by the aforesaid occupation road and tenements in lease to Tom North Swift on the south by land leased to the Corporation on the east by the occupation road and tenements in lease to the Corporation and on the west by the Leeds Road.

THE SECOND SCHEDULE.

Lands for Sanitary Purposes.

(A) Certain lands five acres in extent wholly in the township of Lockwood bounded on the north by St. Thomas' Road between two points distant respectively 84 yards and 252 yards or thereabouts east of the east corner of Springdale on the east from the last-named point and at right angles to St. Thomas' Road by a line drawn in a southerly direction for a distance of 165 yards or thereabouts to an existing fence thence along the said fence in a south-westerly direction for a distance of 50 yards or thereabouts to another fence on the south-west from the last-named point by an existing fence in a north-westerly direction for a distance of 195 yards or thereabouts and on the west by a line drawn from the last-named point in a northerly direction to the point first described in St. Thomas' Road.

(C) Certain lands two acres one rood twenty-two perches in extent near Quarmby Clough Mill wholly in the said township of Lindley-cum-Quarmby bounded on the north by the diverted Rocks footpath from a point where the same joins the Quarry Road in Ballroyd Clough in an easterly direction for a distance of forty yards or thereabouts thence by an existing fence for

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a further distance of twenty-two yards or thereabouts to a point where it forms a junction with another fence on the east from the last-named point in a southerly direction by an existing fence for a distance of fifty-three yards or thereabouts thence by a line drawn in a southerly direction along the bottom of the rocks for a distance of eighty-eight yards or thereabouts to an existing fence on the south by the said existing fence from the last-named point in a westerly direction to the said Quarry Road and on the west by the aforesaid Quarry Road for a distance of one hundred and forty-four yards or thereabouts to the point of commencement on the north boundary.

(D) Certain lands (being in part a quarry now disused) one acre three roods twelve perches in extent adjoining Delves Quarry Cowcliffe wholly in the township of Fixby and parish of Halifax bounded on the north by an existing fence from a point in Cowcliffe Road sixty-six yards or thereabouts north of the borough boundary in an easterly direction to a point distant one hundred and thirteen yards or thereabouts where the same joins another fence on the east by an existing fence from the last-named point in a southerly direction to the borough boundary on the south from the last-named point in a westerly direction along the borough boundary to Cowcliffe Road and on the west by Cowcliffe Road.

(E) Certain lands seven acres in extent at or near Carr Pit in the townships of Huddersfield and Dalton in the parishes of Huddersfield and Kirkheaton bounded on the north by the River Colne for a distance of ten yards or thereabouts from a point in the centre of the River Colne and three hundred and eighty-eight yards north of Somerset Bridge measured along the centre of the River Colne in an easterly direction thence by a line drawn from the last-named point also in an easterly direction and parallel to and distant twenty-one yards or thereabouts north of an existing fence for a distance of one hundred and twelve yards or thereabouts on the east by a line drawn from the last-named point in a southerly direction to a point four yards north of the rear of property in Ivy Street and twenty-seven yards east of Carr Pit Road on the south by a line drawn in a westerly direction from the last-mentioned point and parallel to the rear of property in Ivy Street to the centre of the River Colne on the west by a line drawn from the last-named point in a northerly direction along the imaginary centre of the River Colne to the first-mentioned point.

THE THIRD SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Township.	Numbers on Deposited Plans.
	NEW STREETS AND WORKS.	
Huddersfield -	Lindley-cum-Quarmby -	1 2 3 4 5 6 7 8 9 10 16 23 27 37.
Ditto - -	Huddersfield - -	44 47 48.
Ditto -	Lindley-cum-Quarmby -	50 61.
Almondbury -	Almondbury - -	84.
Huddersfield -	Longwood - - -	109.
Ditto - -	Lindley-cum-Quarmby -	123 124 125 127 128 132 134 135.

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