CHAPTER cxv.

An Act to vest in the Mayor Aldermen and Burgesses of the county borough of Huddersfield the undertaking of the Wessenden Commissioners and to authorise the said Mayor Aldermen and Burgesses to construct additional Waterworks and for other purposes. [25th July 1890.] A.D. 1890.

WHEREAS by the Local and Personal Act of the sixth and seventh William the Fourth chapter ninety-four intituled "An "Act for enlarging the embankment of a reservoir in the valley of "Wessenden in the township of Marsden in the parish of Almondbury "in the west riding of the county of York and for other purposes" (in this Act called "the Wessenden Act") certain Commissioners (in this Act called "the Commissioners") were incorporated and empowered to enlarge a then existing reservoir called "the Wessenden Reservoir" and by means thereof to regulate the supply of water down the Wessenden Brook and to certain mills known as Upper Bank Bottom Mill and Lower Bank Bottom Mill and to levy rates on the occupiers of falls on the said brook and the River Colne and to borrow money on the security of those rates: 6&7Wm.IV. c. xciv.

And whereas by the Huddersfield Water Act 1869 (in this Act called "the Act of 1869") the waterworks whereby the township of Huddersfield was then being supplied with water were transferred to the mayor aldermen and burgesses of the borough of Huddersfield (in this Act called "the Corporation") and they were authorised to construct additional waterworks and to purchase the undertaking of any company or body established to supply water in the borough: 32 & 33 Vict. c. cx.

And whereas by the Huddersfield Waterworks Act 1871 (in this Act called "the Act of 1871") the limits within which the Corporation were authorised to supply water were extended and the Corporation were authorised to construct additional waterworks (including a new reservoir to be called the Booth Reservoir) and to take certain waters then flowing into the Wessenden Brook and in consideration thereof and as compensation therefor they were 34 & 35 Vict. c. xxiii.

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authorised and required to raise the top water level of the Wessenden Reservoir and to maintain that reservoir so enlarged in order that the waters therein stored might be available for the purposes of the Wessenden Act and provision was made by the Act of 1871 for the transfer to or payment off by the Corporation of the mortgage and other debts of the Commissioners and for the cesser thereupon of the powers of the Commissioners to levy rates And it was by the same Act provided that the Commissioners should have full control of the drawings of water from the said reservoir but that the outlet pipe therefrom should not be enlarged by either the Commissioners or the Corporation without the consent of the other of them :

39 & 40 Vict. c. c.

And whereas by the Huddersfield Waterworks and Improvement Act 1876 (in this Act called "the Act of 1876") the Corporation were authorised to abandon the enlargement of the Wessenden Reservoir and in lieu thereof to construct a new storage reservoir (in that Act and hereinafter referred to as "the Wessenden Head Reservoir") wherein to impound the additional waters intended to have been impounded in the said enlarged reservoir and provision was made for the taking over by the Corporation of all the expenses of the Commissioners and the Corporation were empowered after the completion of the Wessenden Head Reservoir to make certain aqueducts and works to enable them to convey to their Blackmoor Foot Reservoir and to appropriate for their water supply the overflow waters (if any) from the Wessenden Reservoir instead of intercepting the same in that reservoir :

And whereas the Corporation have constructed the Wessenden Head Reservoir and paid off the mortgage and other debts of the Commissioners and have acquired the necessary lands for the construction of the Booth Reservoir but have not yet constructed the same and it is expedient that in lieu of constructing the same they be authorised to construct a new enlarged reservoir (in this Act called "the Butterley Reservoir") which will as to part thereof occupy the same site as the Booth Reservoir and that such new reservoir be for certain purposes substituted for the Booth Reservoir :

And whereas the Corporation have purchased the said Upper Bank Bottom Mill and Lower Bank Bottom Mill and it is expedient that such purchase be confirmed :

And whereas it is expedient that the undertaking of the Commissioners be transferred to and vested in the Corporation upon and subject to the terms and conditions in this Act contained and that they be authorised to appropriate for the purpose of their water supply the waters of the Wessenden Reservoir and the Wessenden Head Reservoir and that the provisions in this Act

contained be enacted with respect to the compensation to be given in consideration of such appropriation:

And whereas by the London and North Western Railway (New Lines and Additional Powers) Act 1875 (section 68) the London and North Western Railway Company were authorised to supply from their Huddersfield Canal water for manufacturing and condensing purposes but it was by that section provided that the supply for manufacturing purposes should cease as soon as the Corporation should have completed the works authorised by the Act of 1869 and the Act of 1871 and should be able and willing to supply water for those purposes: 38 & 39 Vict. c. clii.

And whereas it is expedient that the said section should be in part repealed and that further provision should be made in respect of the supply of water by the London and North Western Railway Company as hereinafter specified:

And whereas it is expedient that the Corporation be authorised to construct the additional waterworks hereinafter described and to take the additional waters hereinafter specified and to borrow money therefor and for the general purposes of their waterworks undertaking:

And whereas by the Huddersfield Corporation Act 1882 (in this Act called "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: 45 & 46 Vict. c. ccxxxvi.

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the works by this Act authorised and for the general purposes of their water undertaking and such estimates amount to five hundred thousand pounds:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of December one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Huddersfield Chronicle 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:

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And whereas such resolution was published twice in the said Huddersfield Chronicle 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 nineteenth day of February one thousand eight hundred and ninety 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 reservoir and 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.

Short title.

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

Act divided into parts.

2. This Act is divided into parts as follows:—
Part I.—Preliminary;
Part II.—Transfer of Wessenden Undertaking;
Part III.—Works;
Part IV.—Lands;
Part V.—Finance.

Incorporation of Acts.

3. The following Acts and part of Act (that is to say):—
The Land Clauses Acts;
The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only

of constructing the reservoir and works immediately connected therewith by this Act authorised;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profits to be received by the Undertakers when the waterworks are carried on for their benefit and except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in the 44th section of that Act); and

The Waterworks Clauses Act 1863;

so 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.

Interpretation.

4. Unless the subject or context otherwise requires—

In this Act—

"The borough" means the county borough of Huddersfield;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" and "the borough accountant" respectively mean the town clerk and the borough accountant of the borough;

"The borough fund" and "the borough rate" respectively mean the borough fund and the borough rate of the borough;

"Water revenue" means and includes all net moneys (other than borrowed moneys and other moneys which ought to be carried to capital account) received by the Corporation for or in respect of or incidental to the supply of water by the Corporation;

"The water undertaking" means the waterworks undertaking for the time being of the Corporation;

"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;

Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings; and

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" "the work" and "the centre of the railway" respectively mean the reservoir and works immediately connected therewith and the boundaries thereof respectively by this Act authorised.

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

5. 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 neighbour-"hood 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.

Act to be executed by council.

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

Part II.—Transfer of Wessenden Undertaking.

Transfer of Wessenden undertaking.

7. The Heads of Agreement dated the twenty-ninth day of March one thousand eight hundred and ninety and made between the Corporation and the Commissioners and set forth in the schedule to this Act are hereby confirmed and made binding on the Corporation and the Commissioners and on payment by the Corporation to the Commissioners of the sum of fifty thousand pounds as therein stated the Wessenden undertaking shall vest in the Corporation upon and subject to the terms and conditions therein and in this Act contained and (from and after the completion of the Butterley Reservoir by this Act authorised) freed and discharged from all obligations or liabilities for or in relation to the delivery or discharge of water from the Wessenden Reservoir or the Wessenden Head Reservoir and shall form part of the water undertaking of the Corporation and subject as aforesaid they may take use and appropriate for the

purposes of their water supply the waters of the Wessenden Reservoir and of the Wessenden Head Reservoir and from and after the payment of the said sum of fifty thousand pounds the following enactments shall be repealed (that is to say):—

Of the Act of 1871—

Section 6 (Raising of top level of Wessenden Reservoir);

Section 11 (Provision for flow of water drawn from Wessenden Reservoir);

Section 13 (Restrictions on taking of water by Corporation);

Section 16 (Discharge of water from Wessenden Reservoir);

Section 17 (Yearly payment to Wessenden Commissioners);

Section 19 (Cleansing of reservoir);

Section 21 (Property in Wessenden Reservoir);

So much of section 22 (Penalty for neglect of Corporation as regards water) as relates to the Wessenden Reservoir;

Section 23 (Costs of Wessenden Commissioners); and

Of the Act of 1876—

Section 16 (New reservoir to be in substitution for enlargement of Wessenden Reservoir);

Section 18 (Drawing of water from new reservoir); and

Section 19 (For the protection of the Wessenden Commissioners).

Commissioners to be dissolved.

8. From and after the payment of the said sum of fifty thousand pounds the Commissioners shall continue to exist only for the purpose of appropriating the said sum and of giving the directions referred to in clause 8 of the said Heads of Agreement and of winding up their affairs and after the appropriation of the said sum as provided by this Act and the completion of the Butterley Reservoir authorised by this Act and after their affairs are wound up the Commissioners shall be dissolved.

Balance of £50,000 to be divided between fall owners &c.

9. The balance of the sum of fifty thousand pounds to be paid by the Corporation to the Commissioners under the provisions of this Act remaining after the payment of the costs of the Commissioners incurred in relation to the appropriation of the said sum of fifty thousand pounds and to the winding up their affairs (other than such costs as are by this Act made payable otherwise) shall be divided between and the said costs shall be borne by (and may be retained by the Commissioners out of the proportion of the said balance which may be payable to) the owners lessees and occupiers of falls on the Wessenden Brook and on the River Colne between the junction therewith of Wessenden Brook and the junction of the River Colne with the River Calder at Colne Bridge rateably according to the height of the respective falls:

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Where in addition to the owner there is a lessee or occupier of any fall the proportion of the balance of the said sum of fifty thousand pounds due to that fall shall in default of agreement between the persons interested in the fall be apportioned between them by an arbitrator to be appointed from time to time by the Board of Trade upon the application of the Commissioners and any such arbitrator shall be the arbitrator under this Act and if any such arbitrator die or refuse decline or become incapable to act the Board of Trade may appoint an arbitrator in his place who shall have the same powers and authorities as the arbitrator first appointed and upon the appointment of any arbitrator in the place of an arbitrator dying or refusing declining or becoming incapable to act all the documents relating to the matter of the arbitration which were in the possession of such arbitrator thall be delivered to the arbitrator appointed in his place and the Commissioners shall publish notice of such appointment in the "London Gazette."

Arbitrator may call for documents and administer oaths.

10. The arbitrator may call for the production of any documents in the possession or power of the Commissioners or of any party making any claim under the provisions of this Act which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act and may examine any such party and his witnesses and the witnesses for the Commissioners on oath and administer the oaths necessary for that purpose.

Arbitrator to make and subscribe declaration.

11. Before any arbitrator shall enter upon any inquiry he shall in the presence of a justice of the peace make and subscribe the following declaration (that is to say):—

"I A. B. do solemnly and sincerely declare that I will faithfully
" and honestly and to the best of my skill and ability hear and
" determine the matters referred to me under the provisions of
" the Huddersfield Corporation Waterworks Act 1890.

"A. B."

"Made and subscribed in the presence of——"

And such declaration shall be annexed to the award when made or if more than one award be made to the first award so made.

Notice of appointment of arbitrator &c. to be published.

12. Upon the first appointment of an arbitrator as aforesaid the Commissioners shall forthwith after such appointment publish notice of such appointment and of the matters by this Act referred to the decision of the arbitrator once in each of three successive weeks in each of two newspapers circulated in Huddersfield and requiring all persons (other than owners being also occupiers of falls) claiming to be entitled as owner lessee or occupier of any falls to any portion of the balance of the sum of fifty thousand pounds aforesaid to deliver

to the arbitrator on or before a day fixed by the arbitrator and named in such notice (and which day shall not be earlier than thirty-one days from the date of the insertion of the last of such newspaper notices) a statement in writing of the nature of such claim.

Arbitrator to adjudicate upon claims.

13. The arbitrator shall after the expiration of the period within which such claims are required to be delivered to him as aforesaid proceed to apportion between the persons interested in each fall the proportion of the balance aforesaid of the said sum of fifty thousand pounds due to the fall And the arbitrator shall after due inquiry and examination make his award under his hand and seal accordingly and deliver the same to the Commissioners and every such award shall be binding and conclusive upon all persons who shall have claimed or appeared before the arbitrator or shall have had due notice to appear before the arbitrator and upon the representatives of such persons and no such award shall be set aside for irregularity in matter of form and the Commissioners shall permit every person who may have been a claimant before the arbitrator to inspect the award and to make a copy of or an extract therefrom at his own expense.

Separate awards may be made.

14. Provided always that the arbitrator may make several awards so as to include in a separate award such only of the claims made before him as having reference to the meetings to be holden and the inquiries to be made in relation to claims and the convenience of the parties interested in the matter of the arbitration he may think fit to include in the separate award.

Expenses of the arbitrator to be borne by the Commissioners.

15. The remuneration travelling and other expenses of the arbitrator and all costs charges and expenses (if any) which shall be incurred by him in carrying the provisions of this Act into execution (such remuneration costs charges and expenses to be from time to time if the arbitrator or the Commissioners so require certified by the Board of Trade) shall be paid by the Commissioners out of the sum of fifty thousand pounds to be paid to them by the Corporation under the provisions of this Act but shall be repaid to the Commissioners by the persons who shall have made claims before the arbitrator in such proportions as the arbitrator by any award or by any other writing under his hand shall direct and the amount which any person shall be liable to repay to the Commissioners under this provision may be retained by the Commissioners out of the proportion (if any) to which such person shall be entitled of the said sum of fifty thousand pounds or may be recovered by the Commissioners in any court of competent jurisdiction.

Costs of parties.

16. The costs of any person other than the Commissioners in relation to the arbitration shall be paid by such person and in the

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case of an apportionment between the owner lessee and occupier of any fall shall be paid out of the sum due to that fall under the provisions of this Act the apportionment in case of difference to be settled by the arbitrator The costs of the Commissioners in relation to the arbitration shall be paid by the owners lessees and occupiers of falls in such proportions as the arbitrator shall by any award or by any writing under his hand direct and the proportion of such costs payable by any person may be deducted by the Commissioners from any sum payable to such person under the provisions of this Act or may be recovered by the Commissioners in any court of competent jurisdiction.

As to supply of water to riparian owners &c.

17. The riparian owners and occupiers on the Wessenden Brook and on the River Colne between the junction therewith of Wessenden Brook and the junction of the River Colne with the River Calder at Colne Bridge shall be entitled to a supply of water for trade purposes and for hydraulic power and for the extinguishment of fires in or upon lands belonging to or occupied by such riparian owner or occupier which shall abut on the Wessenden Brook or the River Colne or to which such water can (or but for any intervening roadway or watercourse could) be conveyed over through or under other lands in the same ownership or occupation and being within a distance not exceeding 50 yards from the nearest bank of the said brook or river upon and subject to the same terms and conditions as persons within the borough are for the time being supplied with water for the same purposes respectively.

Part III.—Works.

Power to make works

18. Subject to the provisions of this Act the Corporation may 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 works shown on the deposited plans and sections among which are the following principal works (that is to say):—

(1.) A storage reservoir (herein referred to as "the Butterley Reservoir") to be constructed in lieu of and in substitution for the Booth Reservoir authorised by the Huddersfield Waterworks Act 1871 and to be situate wholly in the township of Marsden-in-Almondbury in the parish of Almondbury;

(2.) A line of pipes (No. 1) commencing in the said township of Marsden-in-Almondbury at or in the existing outlet basin of the Wessenden Head Reservoir and terminating in the township of Longwood in the parish of Huddersfield in the intended service tank next hereinafter described;

(3.) A service tank to be wholly situate in the said township of Longwood on certain lands abutting on the western side of Slaithwaite Gate Road;

(4.) A line of pipes (No. 2) to be wholly situate in the said township of Longwood commencing at or in the lastly described service tank and terminating at or near the north-western corner of the existing Longwood Upper Reservoir of the Corporation;

(5.) A line of pipes (No. 3) commencing in the said township of Marsden-in-Almondbury at or in the said Wessenden Brook near the junction therewith of the Butterley Clough Brook and terminating at or near the south-western corner of the existing Longwood Lower Reservoir of the Corporation;

(6.) A communication road to be wholly situate in the said township of Marsden-in-Almondbury commencing by a junction with the existing communication road to the Wessenden Head Reservoir near to the overflow weir of that reservoir and terminating by a junction with the existing occupation road leading from Binn Lane to the Wessenden Reservoir.

As to supply of water from Huddersfield Canal.

19. So much of section 68 (providing for supply of water from Company's canal for certain purposes) of the London and North Western Railway (New Lines and Additional Powers) Act 1875 as provides that the power by that section conferred upon the London and North Western Railway Company to supply water for manufacturing purposes shall cease and determine when and so soon as the Corporation shall have completed the additional works for the supply of water authorised by the Huddersfield Water Act 1869 and the Huddersfield Waterworks Act 1871 and shall be able and willing to supply for such purposes is hereby repealed and in lieu thereof be it enacted as follows (that is to say):—

The London and North Western Railway Company shall not supply water for manufacturing purposes from their Huddersfield canal within the limits of the Corporation for the supply of water except to such an extent as they can supply such water therefrom by means of their existing reservoirs and works without any enlargement or extension thereof or addition thereto and without preventing or impeding the navigation of the said canal or the conduct of the traffic thereon.

Power to make subsidiary works.

20. The Corporation in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells water-towers stand-pipes filter-beds tanks banks buildings walls approaches

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engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Limits of deviation.

21. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment or retaining wall the Corporation may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment or retaining wall reservoir and works as shown with reference to the datum line to any extent not exceeding twenty feet Provided that the Corporation shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition.

Power to take waters.

22. Subject to the provisions of this Act the Corporation may divert collect impound take appropriate and use for the purposes of the water undertaking the waters of the brooks known as "Wessenden Brook" "Butterley Clough Brook" and "Rams Clough Brook" and the waters of the Wessenden Reservoir and the Wessenden Head Reservoir and all other streams and waters which may be intercepted by the works by this Act authorised or as may be found in on or under any of the lands for the time being belonging to the Corporation.

Period for completion of works.

23. If any works authorised by this Act are not completed within the period of ten years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Corporation for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Corporation from extending enlarging altering reconstructing or removing any of their tanks tunnels

engines sluices machinery apparatus filter-beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Provisions for preventing fouling of water.

24. For the prevention of the pollution of reservoirs streams watercourses and waters over which the Corporation for the time being for the purposes of their water supply have any power of user or in which for the like purposes they are for the time being interested and in the event of the sanitary authority for the district in which the pollution occurs refusing or neglecting within the space of one month after being requested by the Corporation by notice in writing under the hand of the town clerk so to do to enforce with respect to any such reservoirs streams watercourses or waters the provisions of the Rivers Pollution Act 1876 the Corporation shall have and may if they think fit from time to time exercise such and the like powers as may for the time being be exercised by such sanitary authority under any of the said provisions and the said provisions shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation.

Power to agree as to drainage of lands &c.

25. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoir and works by this Act authorised with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoir and works.

As to compensation water.

26. As full compensation to all persons interested below the Butterley Reservoir for the taking of such waters as are by this Act authorised to be taken used and appropriated by the Corporation for the purposes of their undertaking the Corporation during the following hours of every lawful working day that is to say from six o'clock in the forenoon to six o'clock in the afternoon except on Saturdays on which days the water shall be delivered from six o'clock in the forenoon to twelve o'clock noon shall cause to flow from the Butterley Reservoir down a pipe or aqueduct to the Wessenden Brook three thousand one hundred and thirty-seven gallons of water per minute inclusive of the compensation by the Act of 1869 required to be delivered to the Rams Clough.

Gauges to be erected.

27. The Corporation shall construct and for ever after maintain within one hundred yards of the outer post of the embankment of the said Butterley Reservoir a suitable measuring gauge over or

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through which the said compensation water shall flow and the same shall be open to the inspection and examination of the owners lessees and occupiers of the several present and future mills works and navigations interested therein.

Penalty for neglecting to discharge compensation water.

28. In case of any neglect on the part of the Corporation to maintain any such gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to the occupiers of each of the mills and works affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such occupiers or any of them in respect of which such penalties are an insufficient compensation and such occupiers may respectively from time to time recover such compensation with costs from the Corporation by proceedings in any court of competent jurisdiction.

For the protection of the west riding county council.

29. For the protection of the county council of the west riding of the county of York (in this section called "the council") the following provisions shall have effect unless otherwise agreed on in writing between the council and the Corporation (that is to say):—

(1.) The aqueduct conduit or line of pipes No. 3 shall be constructed and laid in such a position at the side of the Wakefield and Austerlands main road as the council shall by writing under the hand of their surveyor direct.

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

(3.) The works shall be so executed as not unnecessarily to impede or interfere with the traffic of the said road.

(4.) The Corporation shall pay to the council the reasonable costs of examining the said plans sections and specifications and of such superintendence as is by this section authorised.

(5.) If any difference arise between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of

either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct. A.D. 1890.

Compensation for damage.

30. The Corporation shall be liable to make good to owners lessees and occupiers of lands and all other persons all damage of what nature or kind soever as well immediate as consequential incurred by such owners lessees or occupiers or other persons by reason or in consequence of the giving way of any reservoir embankment or other work of the Corporation authorised by this Act.

Part IV.—Lands.

Power to Corporation to take the lands referenced.

31. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the construction and maintenance of the works by this Act authorised and in addition thereto the following lands so delineated and described (that is to say) :—

Certain lands situate in the township of Marsden-in-Almondbury in the parish of Almondbury and bounded on the east and south-east partly by land belonging or reputed to belong to the Corporation and partly by Butterley Clough Brook and on the north-west partly by a road known as Butcher Lane and partly by the old Manchester Road and partly by certain houses known as Mount Road ;

and may for the purposes of the said works stop up and extinguish all rights of way over such roads and footpaths as are shown on the deposited plans as intended to be stopped up or as are included within the limits of the lands shown on the deposited plans as intended to be taken compulsorily and which shall be so taken and may appropriate the sites and soil of such roads and footpaths so far as they are or shall become bounded on both sides by lands of the Corporation.

Confirming acquisition of lands.

32. The purchase by the Corporation of the Upper Bank Bottom Mill and the Lower Bank Bottom Mill is hereby confirmed and they may retain and hold the same accordingly.

Limiting quantity of certain commonable lands to be taken.

33. Notwithstanding anything shown on the deposited plans or described in the deposited book of reference the Company shall not under the powers of this Act enter upon take or use any portion of Smately Bank or Butterley in the township of Marsden-in-Almondbury in the parish of Almondbury and reputed to be commonable lands nor more than the following quantity of the

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following lands reputed to be commonable and for the following purposes (that is to say):—

Five acres and two roods of Pudding Real Moss Hey Brinks Holly Bank Moss and Wessenden Moor in the said township and parish for the said communication road and the line of pipes (No. 1).

Limitation of time for compulsory purchase of lands.

34. 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.

35. The Corporation may (in addition to the lands they are authorised to acquire and hold under the powers of the recited 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 their water undertaking fifty acres or any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) 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 nor shall they use for any building purpose unconnected with their waterworks any lands so acquired for the purposes thereof.

Consideration for such acquisition.

36. 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.

Corporation may use their own lands for purposes of Act.

37. Subject to the provisions of this Act the Corporation may from time to time appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being part of their corporate estates Provided that this section 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.

Restriction on taking houses of labouring class.

38.—(1.) The Corporation shall not under the powers of this Act purchase or acquire in any borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

(2.) For the purposes of this section the expression "labouring class" 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.

Sale of superfluous lands.

39. The Corporation may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Corporation think fit any lands houses or other property for the time being held by the Corporation for the purposes of the water undertaking which they do not require for the purposes of that undertaking and in any such sale or lease the Corporation may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Corporation think fit.

Part V.—Finance.

Power to borrow.

40. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under any other Act passed in the 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 (that is to say):—

For paying the costs of and in relation to the obtaining of this Act on the security of the borough fund and borough rate the sum necessary for the purpose;

For purchase of land for and for the execution of the works by this Act authorised and for the general purposes of the water undertaking any sum not exceeding five hundred thousand pounds on the security of the water revenue and the borough fund and borough rate;

For the payment of interest on moneys borrowed under the powers of this Act for the purchase of land for and for the execution of the works by this Act authorised until the expiration of ten years from the passing of this Act or the completion of the Butterley Reservoir whichever shall first happen such further sums as may be requisite for that purpose on the security of the water revenue and the borough fund and borough rate:

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall

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not be reckoned and the powers of the Corporation as to borrowing and 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.

Certain provisions of recited Acts extended to this Act.

41. The following enactments (that is to say):—

Of the Act of 1876—

Section 125 (Provisions as to borrowing);

Section 126 (Priority of existing mortgages);

Section 135 (Corporation not to regard trusts);

Of the Act of 1882—

Part XI. (Corporation stock);

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 and to any assessments and rates made for the purposes of this Act:

Provided as follows:—

(1.) The Corporation shall repay all moneys borrowed by them under the powers of this Act within any period not exceeding sixty years from the respective dates of the borrowing thereof:

(2.) The repayment of moneys borrowed under the powers of this Act shall be effected—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of sinking funds;

Or partly by such instalments and partly by sinking funds:

(3.) The first payment to a sinking fund shall be made on the thirty-first day of March next following the expiration of one clear year from the date of the borrowing of the money in respect of which such payment is to be made:

(4.) The sums to be annually appropriated and set apart to any sinking fund shall be equal throughout the whole period allowed for repayment:

(5.) The Corporation shall not create or issue any irredeemable stock:

(6.) The Corporation shall not invest any sinking fund created under this Act in any statutory security of the Corporation.

Power to reborrow.

42. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed

for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Application of moneys from sale &c. of land.

43. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking funds may be adjusted in certain events.

44. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Application of moneys under former Acts.

45. The Corporation may apply to the purposes of the works by this Act authorised being purposes to which capital is properly applicable and not otherwise any moneys authorised by any of the recited Acts to be raised for the like purposes and which have not been applied as by those Acts respectively authorised.

Power to borrow under Local Loans Act 1875.

46. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by

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this Act The forms set forth or referred to in the Fifth Schedule to the Act of 1876 may be used by the Corporation for the purposes of the Local Loans Act 1875.

Annual return to Local Government Board with respect to sinking fund &c.

47. The borough accountant shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the borough accountant shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act:

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court:

The provisions of this section shall extend and apply mutatis mutandis to appropriations and to annual repayments.

Composition for stamp duty.

48. Subject to the provisions of the Customs and Inland Revenue Act 1887 the Corporation may agree with the Commissioners of Inland Revenue for payment to them of composition for the stamp duty on transfers of stock issued under the powers of this Act.

Application of moneys borrowed.

49. All moneys borrowed by the Corporation under this Act shall be applied to the several purposes of this Act in respect of which

the same were respectively borrowed and to which capital is properly applicable and to no other purpose. A.D. 1890.

Expenses of executing Act.

50. 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 out of water revenue :

All deficiencies in the said revenue shall be met out of the borough fund and all moneys payable to or receivable by the Corporation under this Act shall be carried to the borough fund and to the proper account therein.

As to rating of railways for certain purposes.

51. Section 341 of the Huddersfield Improvement Act 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.

Particulars to be furnished with reference to differential rates.

52. In the case of any demand on any railway company entitled to partial exemption for payment of the borough or other rate to the Corporation it shall be the duty of the town clerk on the application of such railway company to furnish within seven days full particulars in writing of the purpose or purposes (if more than one) to which the rate demanded is applicable and the amount in the pound required for each of such purposes and such particulars shall also show the proportion of the amounts in the pound required for each of such purposes in respect of which such railway company is entitled to the partial exemption aforesaid.

Expenses of Act.

53. 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 borrowed for the purpose under the provisions of this Act.

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The SCHEDULE referred to in the foregoing Act.

Heads of Agreement between the Mayor Aldermen and Burgesses of the County Borough of Huddersfield (hereinafter called "the Corporation") and the Commissioners of the Wessenden Reservoir (hereinafter called "the Commissioners").

1. The Corporation to pay to the Commissioners within a period of six months from the date of the passing of the Huddersfield Water Bill into an Act the sum of fifty thousand pounds and the receipt of the treasurer for the time being of the Commissioners and of two of the Commissioners for the same to be a sufficient discharge and on such payment the undertaking of the Commissioners to vest in the Corporation.

2. The riparian owners and occupiers on the Wessenden Brook and River Colne as far as the junction of the River Colne with the River Calder at Colne Bridge to be placed upon an equal footing with regard to a supply of water for trade purposes (including hydraulic power and extinguishment of fire) both as to price and supply as other consumers of water for the like purposes within the borough of Huddersfield.

3. The costs charges and expenses of the Commissioners of and incidental to the promotion of the Wessenden Reservoir Bill in the present session and of their opposition to the Huddersfield Water Bill to be paid by the Corporation within the period aforesaid or in the event of the last-mentioned Bill not becoming law the said costs charges and expenses to be paid within three months from the first day of July next.

4. In consideration of the foregoing terms the opposition of the Commissioners to the Huddersfield Water Bill to be withdrawn.

5. The Wessenden Reservoir Bill to be withdrawn by the Commissioners.

6. In the event of the Huddersfield Water Bill not passing into an Act during the present session of Parliament the Corporation to promote a Bill for a similar or like purpose in the next ensuing session of Parliament such Bill to contain all necessary clauses for carrying out the terms herein contained.

7. In the event of such last-mentioned Bill not being duly prosecuted by the Corporation and becoming law the Commissioners to be at liberty to promote in the next following session a Bill for the like purpose and in the event of neither of the Bills mentioned in clauses 6 and 7 hereof becoming law the rights of both parties hereto as they existed at the time of the making of this Agreement to revive.

8. Until the completion of the Butterley Reservoir the Corporation shall not be entitled to take from appropriate or use for their water undertaking the water (other than the overflow waters if any from the Wessenden

Reservoir) impounded in the Wessenden Reservoir and Wessenden Head Reservoir respectively but until such completion shall cause such waters to flow into the Wessenden Brook on such days during such hours and in such quantities as the Wessenden Commissioners shall from time to time direct by notice to the Corporation such notice to be given by the clerk treasurer or other officer of the Commissioners.

9. The costs charges and expenses of and incident to the promotion of such respective Bills to be borne and paid by the Corporation.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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