CHAP. cx.

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An Act for transferring to the Corporation of Huddersfield the undertaking of the Commissioners for the Huddersfield Waterworks, and for empowering the Corporation to construct additional Waterworks, and to supply Water within extended limits; and for other purposes.

[12th July 1869.]

WHEREAS the borough of Huddersfield in the West Riding of the county of York (in this Act called the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation):

And whereas before the incorporation of the borough certain Commissioners (in this Act referred to as the Commissioners) were constituted and empowered by the Acts described in the first schedule to this Act (in this Act referred to as the Commissioners Acts) for the purpose of supplying water to the township and parish of Huddersfield now being part of the borough:

And whereas the Commissioners have completed the works authorized by their Acts, and have raised a capital amounting to forty-nine thousand four hundred and fifty-seven pounds ten shillings by borrowing on the security of their undertaking, and have expended on their works and in the extension of their mains and pipes of supply the amount so raised and a further considerable sum out of income:

And whereas it would be of great advantage to the borough and its neighbourhood if the undertaking of the Commissioners were transferred to the Corporation, and if the Corporation were empowered to construct further works and to supply water within limits more extensive than those comprised in the Commissioners Acts:

And whereas it is expedient that the Corporation be empowered to borrow money for the purposes of this Act, and that further and other powers be conferred on the Corporation, as in this Act expressed:

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

And whereas plans and sections describing the lines, situations, and levels of the intended new waterworks and other works, and plans describing the lands intended to be taken compulsorily for the purposes 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 occupiers of lands in the line of the proposed works or within the limits of deviation as defined on the plans, and of the other lands described on the plans, and further describing all those lands, have been deposited with the clerk of the peace for the West Riding of the county of York (which are in this Act referred to as the deposited plans, sections, and book of reference):

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

Short title.

1. This Act may be cited as The Huddersfield Water Act, 1869.

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 16. & 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

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

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860:

The Waterworks Clauses Acts, 1847 and 1863, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof:

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except sections eighty-four and eighty-five.

Interpretation of terms in this and incorporated Acts.

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

(1.) In this Act and in any Act incorporated wholly or in part with this Act the term "quarter sessions" or "court of quarter sessions" shall be taken to mean the court of general or quarter sessions of the peace for the West Riding of the county of York:

(2.) In this Act and in any Act incorporated wholly or in part with this Act the term "superior court" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which that term is used was an ordinary simple contract debt, and not a debt or demand created by statute:

(3.) In the provisions of the Commissioners Clauses Act, 1847, incorporated with this Act, the terms "the Commissioners," and "the clerk to the Commissioners," and "the office of the Commissioners," shall be taken to mean respectively the Corporation, and the town clerk of the borough, and the town clerk's office:

(4.) Subject to the foregoing interpretations, the several terms to which meanings are assigned by the Acts incorporated wholly or in part with this Act have in this Act the same respective meanings:

(5.) In this Act the term "the waterworks undertaking," as applied to the Corporation, includes the waterworks, property, and undertakings transferred to or acquired by them by or under this Act, and the new waterworks and undertaking authorized by this Act:

(6.) In this Act the term "property," as applied to the Commissioners, includes property acquired for their use or benefit, or for the objects of their undertaking:

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

(8.) In this Act the term "local board" includes local board of health.

Act to be executed by Corporation.

4. This Act shall (subject to the express provisions of this Act) be executed by the Corporation acting by the Council of the borough, and subject and according to the Municipal Corporation Acts and other Acts and laws for the time being in force affecting municipal corporations.

Regulation as to committees of Council.

5. Where under the authority of the Municipal Corporation Acts the Council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the Council think fit, for the purpose of

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carrying into effect any specific orders of the Council, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Council, or the Council may appoint any committee for any purpose of this Act, so that the acts of every such last-mentioned committee shall, if the Council so order, but not otherwise, be submitted to the Council for approval; and the quorum of any such committee, as in this section provided for, shall be such as the Council direct, and the Council may from time to time make such regulations as they think fit for the guidance of any such committee, and the Council may from time to time remove any members of any such committee and appoint in the stead of them, or any of them, other members of the Council.

Transfer of existing works to Corporation.

6. The undertaking, waterworks, real and personal property, rights, and interests of the Commissioners shall be and the same are hereby transferred to and vested in the Corporation, to be held, used, exercised, and enjoyed by them as the same would or might have been held, used, exercised, and enjoyed by the Commissioners if this Act had not been passed.

Repeal of Acts in schedule, with exceptions.

7. The Acts described in the first schedule to this Act are hereby repealed, subject to the provisions of this Act, and with the exception of the sections set forth in the second schedule to this Act, which sections, as far as they respectively are in force at the commencement of this Act, shall, subject to the provisions of this Act, remain in force as if this Act had not been passed, the Corporation being only substituted in and in relation thereto respectively for the Commissioners, and this repeal, or anything in this Act, shall not prejudicially affect any estate, right, or interest protected or preserved by any of those sections.

Existing works may be maintained and used.

8. Notwithstanding the repeal of the said Acts, the Corporation may, subject to the provisions of this Act, maintain the works made by the Commissioners, and extend from time to time the mains and pipes laid by the Commissioners, and use those works, mains, and pipes for the supply of water within the limits of this Act, and the Coporation shall in respect of those works, mains, and pipes, and the maintenance and future use, regulation, and enlargement thereof, have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act.

Conveyances, &c. to remain in force.

9. Notwithstanding the repeal of the said Acts, all purchases, sales, conveyances, grants, assurances, leases, mortgages, bonds, contracts, agreements, securities, and other acts and things before the passing of this Act made, entered into, executed, or done under or by virtue of the said Acts respectively, or with reference to the

purposes thereof respectively, shall be as good, valid, and effectual to all intents for, against, and with reference to the Corporation as they would have been for, against, or with reference to the Commissioners if the said Acts had not been repealed, and may be proceeded on and enforced accordingly, the Corporation being only substituted in or in relation thereto respectively for the Commissioners.

Actions, &c. not to abate.

10. Notwithstanding the repeal of the said Acts, any action, suit, prosecution, or other proceeding commenced by or against the Commissioners before the passing of this Act shall not abate or be discontinued, or be prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Corporation, as it would have done in favour of or against the Commissioners if this Act had not been passed, and proceedings for all offences against the provisions of the said Acts, or either of them, committed before the passing of this Act may be commenced and prosecuted, and all penalties incurred by reason of such offences may be sued for in like manner in all respects as if the said Acts had not been repealed, the Corporation being only substituted in or in relation thereto respectively for the Commissioners.

Rates or rents to continue in force.

11. Notwithstanding the repeal of the said Acts, all rates, rents, and charges which have been made, charged, or imposed under the said Acts respectively, and which at the time of the passing of this Act are due, or if this Act had not been passed would have accrued due, shall continue in force and be due and payable to the Corporation, the Corporation being only substituted in relation thereto respectively for the Commissioners, and the same may be collected, recovered, or enforced by such means and under such restrictions and regulations as any rates, rents, or charges may be collected, recovered, or enforced under this Act, and shall be applied as rents receivable under this Act.

Existing debts, &c. to be paid.

12. Notwithstanding the repeal of the said Acts, all persons who immediately before the passing of this Act owe any money to the Commissioners, or to any person on their behalf, shall pay the same, with all interest (if any) due or to accrue due for the same, to the Corporation, and the same shall be recoverable by the Corporation; and all debts and money which immediately before the passing of this Act are due or owing by or recoverable from the Commissioners, or for the payment of which the Commissioners are or but for this Act would be liable, shall, with all interest (if any) due or to accrue due thereon, be paid by or be recoverable from the Corporation, and all securities for the same shall continue in force.

Byelaws, &c. to remain in force.

13. Notwithstanding the repeal of the said Acts, all byelaws, rules, regulations, and orders made under the said Acts, or any of

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them, shall continue in force for six months after the passing of this Act, or until the same are sooner repealed, altered, or varied under this Act, and the same may be enforced, and all penalties and forfeitures thereby imposed may be recovered, and shall be applied as if this Act had not been passed, the Corporation being only substituted in and in relation thereto respectively for the Commissioners.

Benefits under other Acts preserved.

14. Notwithstanding the repeal of the said Acts, all provisions in favour of the Commissioners contained in any Act (other than the said Acts), and being in force immediately before the passing of this Act, shall continue in force, and the Corporation, their officers, and servants shall be entitled to and may have, exercise, and enjoy by virtue of those provisions all rights, interests, powers, authorities, and privileges which the Commissioners were entitled to and might have exercised and enjoyed by virtue of those provisions.

Present officers continued until removed.

15. Notwithstanding the repeal of the said Acts, all officers or persons appointed to or in office or employment under those Acts shall continue in their respective offices and employments according to their respective appointments until they resign the same or are removed therefrom according to the provisions of this Act, and all such officers and persons shall have the same powers, privileges, and advantages, and they and their respective sureties shall be liable to the same or like conditions, penalties, obligations, restrictions, and regulations, as if such officers and servants respectively had been appointed, and such sureties had become bound under this Act, the Corporation being only substituted in or in relation thereto respectively for the Commissioners.

Books to be evidence.

16. Notwithstanding the repeal of the said Acts, all books and other documents which are by those Acts, or either of them, directed or authorized to be kept, made, or executed, and which if this Act had not been passed would be receivable in evidence, shall be admitted in evidence in all courts of law and equity and elsewhere in favour of or against the Corporation, in like manner as the same would or might have been admitted in favour of or against the Commissioners.

Power to make works and take lands, &c.

17. Subject to the provisions of this Act, the Corporation may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the reservoirs, lines of pipes, conduits, road diversions, and other works shown on the deposited plans, with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and book of reference as they require for the purposes of their waterworks undertaking, and may take, use, get, and appropriate for those purposes all streams and

waters shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by any of their said waterworks, and all waters found in, on, or under any of the lands taken by them, and may stop up all roads and ways within the limits of deviation defined on the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for the purposes of this Act the sites of roads and ways so stopped up.

Maintenance of new roads.

18. Every road, whether public or private, constructed by the Corporation on the embankment of a reservoir, and the drains, culverts, and fences thereof, shall be maintained by and at the cost of the Corporation for ever, and every road constructed by them not on an embankment, and the drains, culverts, and fences thereof, shall be maintained by and at the cost of the Corporation for one year after the completion of the road and of the Black Moor Foot reservoir by this Act authorized, of which respective completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such respective completion being proved to their satisfaction), and on the expiration of the aforesaid respective periods of one year, each such road being a substituted or diverted road shall become and the same shall thenceforth be a public highway or private road (as the case requires), and shall be repairable as such accordingly.

Limits of lateral deviation.

19. Where the line of any work shown on the deposited plans passes along any road and limits of lateral deviation are not marked thereon, the Corporation may in constructing the works deviate laterally from the line thereof, as laid down on those plans, to the extent of the boundaries of the road, and elsewhere the Corporation may in constructing the works by this Act authorized deviate laterally from the lines thereof, as laid down on the deposited plans, to the extent of the limits of lateral deviation shown thereon, but not further in either case, except with the consent of the owner of the lands through or in which the deviation is made.

Limits of vertical deviation.

20. In constructing the works by this Act authorized the Corporation may deviate vertically from the levels of the reservoirs, as shown on the deposited sections, to any extent not exceeding four feet, and from the levels of any other works, as shown on those sections, to any extent not exceeding six feet.

Limit of time for compulsory purchase.

21. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Power to take additional lands by agreement.

22. The Corporation may from time to time for the purposes of this Act take by agreement, in addition to the lands which they are

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authorized to take by compulsion, any lands within the limits of this Act, and may hold the same, not exceeding in the whole at one time ten acres.

Power to agree for easements, &c.

23. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands, may grant to them, any term, estate, easement, interest, right, or privilege, not of water, in, over, affecting, or belonging to lands, at a yearly rent or otherwise, subject always and according to the provisions relative to the taking of lands by agreement contained in the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Application of Railways Clauses Act.

24. The said provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, shall only apply to the reservoirs by this Act authorized and the works immediately connected therewith, and shall apply thereto as if those reservoirs and works were referred to in those provisions instead of the railway, and the respective boundaries of those reservoirs and works instead of the centre of the railway, and as if fifty yards were therein mentioned instead of five hundred yards or two hundred yards, as the case may be.

Limitation of time for construction of works.

25. If the works shown on the deposited plans and by this Act authorized are not completed within ten years from the passing of this Act, then and on the expiration of that period the powers by this Act granted to the Corporation for constructing the works, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this Act shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time, or from time to time, as occasion may require.

Reservation of water rights, &c. on sale.

26. On any sale by the Corporation of any lands the Corporation may reserve to themselves all or any part of the water or water rights, or of any easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions, with respect to the use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Application of 10 & 11 Vict. c. 16. and 26 & 27 Vict. c. 93.

27. The provisions of the Waterworks Clauses Act, 1847 and 1863, incorporated with this Act, shall apply to the whole of the waterworks undertaking of the Corporation.

Compensation supply to Brow Grains Dike, and river Holme.

28. As compensation for the taking of such waters by this Act authorized to be taken as at the passing of this Act directly or derivatively flow or proceed into Brow Grains Dike, Meltham Dike, and the river Holme respectively, the Corporation shall cause to flow from the reservoir to be constructed at or near Blackmoor Foot, down a pipe or aqueduct into the said Brow Grains Dike, at a point near to and above New Bridge Mill, nine hundred and fifty-one gallons per minute 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.

Compensation supply to Hoyle House Clough.

29. As compensation for the taking of such waters by this Act authorized to be taken as at the passing of this Act directly or derivatively flow or proceed into Hoyle House Clough, the Corporation shall cause to flow from the reservoir to be constructed at or near Blackmoor Foot, down a pipe or aqueduct into Hoyle House Clough, at a point between the embankment of the reservoir and the bridge at Blackmoor Foot, two hundred and eighteen gallons of water per minute on the days and during the hours aforesaid.

Compensation supply to Wessenden Brook and river Colne.

30. As compensation for the taking of such waters by this Act authorized to be taken as at the passing of this Act directly or derivatively flow or proceed into Wessenden Brook and the river Colne respectively, the Corporation shall cause to flow from the reservoir to be constructed at or near Deer Hill in the township of Lingards in the parish of Almondbury, through a pipe or aqueduct leading from such reservoir to and into the Rams Clough Brook or stream in the township of Marsden in the said parish of Almondbury, a total quantity of six hundred and sixty-nine gallons of water per minute on the days and during the hours aforesaid, and shall deliver such total quantity by means of gauges and other works connected with such pipe or aqueduct down such streams and in such proportions as may be determined and awarded by a competent and impartial hydraulic engineer to be appointed by the chairman of the court of quarter sessions for the West Riding of Yorkshire by writing under his hand, upon the application of the Corporation or any person or persons interested in such waters, and the Corporation shall bear and pay the expenses of such determination and award, and of the proceedings preliminary thereto and consequent thereon, including the remuneration of the engineer, and shall also pay the reasonable costs of the persons interested in such waters incurred in or about the determination, award, and proceedings aforesaid, but so that the Corporation shall be liable to pay one set only of costs in respect of the appearance before the engineer of all or any persons interested in the waters of one stream.

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Gauges to be erected.

31. The Corporation shall construct and for ever after maintain suitable measuring gauges over or through which the said respective quantities of water shall flow, and the same shall be open to the inspection and examination of the owners and occupiers of the several present and future mills, works, and navigations interested therein, and as regards the water to be delivered into the Brow Grains Dike, such gauge shall be placed at a point not more than twenty yards distant from the point of delivery into that dike.

Penalty for neglect to discharge compensation water.

32. In case of 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 any of the several quantities of water aforesaid from the said reservoirs 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.

As to pipes crossing railway and canal belonging to London and North-western Railway Company.

33. The mains or pipes where the same will cross the railway and the canal belonging to the London and North-western Railway Company shall be carried under such railway through the present archways or openings thereunder and over the said canal by means of the road-bridge over such canal, and shall for the entire length and for ten yards on each side of each of such crossings be and be maintained of such materials, dimensions, quality, and thickness as the principal engineer for the time being of the London and North-western Railway Company shall in writing reasonably require, and the laying down, altering, and replacing such crossings, and the construction of any works by the Corporation upon, across, or under the said railway or the said canal, or the respective works thereof, or the lands of that Company, or in any way affecting such railway, canal, works, or lands, shall be done under the superintendence and to the reasonable satisfaction of such engineer, and according to plans to be reasonably approved by him, but in all things at the expense of the Corporation.

Maintenance of such works.

34. All the works of the Corporation across or in any way affecting the said railway and canal, or the respective works thereof, or the said lands, shall be kept by the Corporation in good repair to the reasonable satisfaction of such engineer, and if for seven days after notice in writing from the London and North-western Railway

Company to the Corporation of any of those works being out of repair they do not commence and with reasonable despatch complete such repairs, that Company may execute such repairs, and, if necessary, enter on the lands of the Corporation for that purpose, and may recover the charges and expenses thereof against them with full costs.

Reference of difference to arbitration.

35. If any difference arises between the engineers of the Corporation and the London and North-western Railway Company with respect to any of the aforesaid matters in which the engineer of the London and North-western Railway Company is expressed to be concerned, such difference shall be referred to the arbitration of an engineer to be appointed by the two engineers, or, if they cannot agree, by the Board of Trade, on the application of the Corporation or the Company.

Limited compulsory purchase powers affecting the London and North-western Railway Company.

36. The Corporation shall not, without the consent of the London and North-western Railway Company in writing under their common seal, purchase, take, enter upon, or use, either temporarily or permanently, any lands or works belonging to that Company, or which they have power to take, or any estate, right, easement, privilege, or authority in, over, or upon any such lands or works, or alter, vary, or interfere with their said railway and canal or any of the works thereof respectively, except that the Corporation may purchase, and that Company may and shall sell and grant to the Corporation, such easements respectively as may be necessary for carrying their said mains or pipes across such railway and canal in manner herein-before provided.

Railway and canal not to be obstructed.

37. The Corporation shall not in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of the said railway and canal.

In case of injury to railway or canal Corporation to make compensation.

38. If by reason of any of the works or proceedings of the Corporation, or the failure of such works, the said railway or canal, or any of the works thereof respectively, shall be injured or damaged, such injury or damage shall be forthwith made good by the Corporation at their expense, or in the event of their failing to do so, then the London and North-western Railway Company may make good the same, and recover the expense thereof with full costs against the Corporation, and if any interruption shall be occasioned to the traffic of the said railway or of the said canal by reason of any of the operations, or the failure of any of the works of the Corporation, they shall immediately thereupon pay to the London and North-western Railway Company all costs and expenses to which that Company may be put, as well as full compensation for the loss and inconvenience sustained by that Company by reason of any such

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interruption, such costs and expenses and compensation to be recovered against the Corporation with full costs.

For the protection of the Lancashire and Yorkshire Railway.

39. In constructing and maintaining the works by this Act authorized affecting the Lancashire and Yorkshire Railway the Corporation shall be subject to the following conditions; namely,

(1.) All works affecting the Lancashire and Yorkshire Railway shall be executed at the expense of the Corporation under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans and specifications previously submitted to the said engineer:

(2.) If the engineers of the Corporation and of the Lancashire and Yorkshire Railway Company differ concerning the said plans or specifications, or concerning the method in which the said works are to be executed, all such differences shall be settled by an engineer to be appointed by the two engineers, or, if they cannot agree upon a referee, then by an engineer to be appointed by the Board of Trade on the application of the Corporation or the Company:

(3.) The said work shall be constructed and maintained so that the traffic upon the Lancashire and Yorkshire Railway shall not be in anywise impeded:

(4.) If by reason of the construction and maintenance of the works by this Act authorized the Lancashire and Yorkshire Railway, or any of the works connected therewith, shall be damaged or injured, the Corporation shall compensate the Lancashire and Yorkshire Railway Company for any loss or expense occasioned thereby.

Reservation of certain water rights of Meltham local board.

40. Nothing in this Act contained shall in anywise prejudice or affect the rights or powers which the Meltham local board have or possess or are entitled to at the passing of this Act to obtain a supply of water, but so that the said board shall not at any time take from the Scope Springs, or any other waters which would but for this provision proceed to and be intercepted by the works of the Corporation by this Act authorized, a supply of water exceeding in the whole the quantity of eighty thousand gallons in any one day, exclusive of any water which the said board have obtained or may hereafter obtain from the Fairnook Spring, and any other springs outside the area of drainage ground which on or before the thirtieth day of November one thousand eight hundred and sixty-eight contributed water to the Brow Grains Dike in the township of Meltham; and for the purpose of ascertaining such quantity a

proper and efficient gauge or meter shall on the passing of this Act be fixed, and shall always be maintained by the said local board at the expense of and to the satisfaction of the Corporation in such situation at or near to the existing reservoir of the said board as shall be mutually agreed upon, and the Corporation shall have, by their officers and servants, access at all times for the inspection of such gauge or meter, and for the purpose of ascertaining the quantity of water which shall have passed through or over the same; and in case of disagreement with respect to the nature, situation, or use of such gauge or meter, the same shall from time to time be settled by arbitration, to be conducted in the manner provided by the Lands Clauses Consolidation Act, 1845: Provided, that in case the Meltham local board shall, by agreement with the Corporation or otherwise, cease to take water from the said Scope Springs, and every other part of the area of drainage ground which on or before the thirtieth day of November one thousand eight hundred and sixty-eight contributed water to the said Brow Grains Dike, and such springs and waters shall be permitted to flow without interruption or deterioration to and into the conduits and works of the Corporation by this Act authorized, then and in lieu of the above-mentioned quantity of eighty thousand gallons the said board shall be entitled to demand and have from the Corporation a quantity of water not exceeding eighty thousand gallons in any one day for the water supply of their district without any payment for the same, and such water shall be delivered from any main pipe of the Corporation for the time being laid down within the district of the said local board into any pipes which the local board may lay down to and for the purpose of communicating with such main pipe.

Meltham local board may require a further supply.

41. If the water supply of the Meltham local board should hereafter be or become insufficient for their district, such board shall be entitled to demand and have from the Corporation a further supply of water not exceeding twenty thousand gallons in any one day, and the price per one thousand gallons to be paid by the said board to the Corporation shall be the lowest price for the time being charged per one thousand gallons by the Corporation to any other local board, or other consumer, in bulk or by meter, of the water of the Corporation, and such water shall be delivered from any main pipe of the Corporation for the time being laid down within the district of the local board into any pipes which the local board may lay down to and for the purpose of communicating with such main pipe.

Corporation to cease taking water

42. Whenever and so long as the water collected in the reservoir at Black Moor Foot is overflowing, the Corporation shall cease

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from Brow Grains Dike during overflow of Blackmoor Foot reservoir.

taking water directly from the Brow Grains Dike, and shall during the continuance of such overflow, by means of works to be constructed by them at or near the point where their conduit will intercept the water of the Brow Grains Dike, cause the water of that dike to continue its course down the same instead of into the said conduit.

Compensation for damage.

43. 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 authorized by this Act.

Valuation of existing waterworks, &c.

44. As soon as may be after the passing of this Act, the waterworks undertaking and property of the Commissioners shall be valued by Mr. George Crowther, or in default of him by some person nominated by the Corporation and approved by the Commissioners (and the amount at which the same will be so valued is in this Act referred to as the value of the Commissioners undertaking).

Power to borrow for purchase.

45. The Corporation (independently of any other borrowing power) may from time to time borrow at interest, on the security of their waterworks undertaking and of the borough fund, such money as they think requisite, not exceeding in the whole the value of the Commissioners undertaking, and may mortgage their waterworks undertaking and the borough fund to secure the repayment of the money so borrowed, with interest accordingly.

Application of money borrowed for purchase.

46. Money borrowed by the Corporation under the last foregoing section shall be applied by them in paying all money borrowed by the Commissioners on the security of their undertaking and remaining undischarged, and in paying for lands and property acquired by the Corporation for the purposes connected with that portion of their waterworks undertaking which belonged to the Commissioners, and if after such payments any surplus remains, the same (in this Act referred to as the surplus value of the Commissioners undertaking) shall be applied by the Corporation in or towards effecting from time to time such improvements (by the erection of public buildings or otherwise) in and for the benefit of the township of Huddersfield, as the Corporation think fit.

Application of surplus value of existing works.

47. Provided, that the Corporation may, if they think fit, instead of borrowing the full value of the Commissioners undertaking, borrow so much thereof as may be requisite for paying the money borrowed by the Commissioners on the security thereof, and for paying for lands and property acquired by the Corporation for purposes

connected with that portion of their undertaking which belonged to the Commissioners, and may postpone the borrowing of the surplus value of the Commissioners undertaking, or of any part thereof, until the same is required to be expended by them as directed by this Act, in which case the Corporation shall yearly appropriate out of the income of their waterworks undertaking a sum equal to interest at four pounds per centum per annum on the amount, the borrowing of which is so postponed, and shall from time to time apply the yearly sum so appropriated in like manner as the principal money which it represents would be applicable under this Act, if borrowed, or in aid of the borough rate leviable within the township of Huddersfield, or may accumulate the same by investment in Government or other securities, and shall apply the fund produced by such accumulation in like manner as the interest so accumulated would be applicable.

Power to borrow for works, &c.

48. The Corporation, independently of any other borrowing power, may from time to time borrow and reborrow at interest, on the security of their waterworks undertaking and of the borough fund, any money not exceeding in the whole at any one time the sum of three hundred thousand pounds, and may mortgage their waterworks undertaking and the borough fund accordingly.

Application of money borrowed for works, &c.

49. All money borrowed by the Corporation under the last foregoing section shall be applied by them for the purchase of lands and construction of works for the purposes of their waterworks undertaking, exclusive of the maintenance of those works, and not otherwise.

Protection of lenders.

50. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Payment by instalments or sinking fund.

51. The Corporation shall pay off all money borrowed by them under this Act, either by instalments or by means of a sinking fund, to be increased by accumulation in the way of compound interest or otherwise, and for that purpose shall from and after the expiration of seven years from the passing of this Act yearly appropriate out of the income of their waterworks undertaking a sum equal to one per centum on the total amount of money borrowed by them and remaining unpaid, together with a sum equal to the interest formerly paid on the sum paid off, and shall continue to do so as long as any money so borrowed remains unpaid, and shall apply all money so appropriated, and the annual produce and accumulations thereof, in paying off from time to time such parts of the money so borrowed

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as they think ought to be then paid off, and the Corporation shall not reborrow any principal monies which shall have been paid off by means of such sinking fund, but the borrowing powers of the Corporation shall be reduced by the amount so from time to time paid off.

Coupons for interest on mortgages.

52. The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation under this Act coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Corporation from time to time think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorized by the Corporation (which authorization shall be presumed until the contrary is shown).

Payment of coupons.

53. On presentation to the treasurer of the borough of any such coupon he shall pay to the person so presenting the coupon the amount of interest thereon expressed and appearing by the coupon to be then due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which the coupon was issued.

For indemnity of treasurer.

54. Provided that the treasurer shall not be bound, unless he sees fit, at any time to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

Receiver for mortgagees.

55. The mortgagees of the Corporation under this Act may enforce payment of the arrears of interest, or of principal and interest, due on their mortgages by the appointment of a receiver, and the amount to authorize an application for a receiver shall be ten thousand pounds.

Loans by Public Works Loan Commissioners.

56. The Public Works Loan Commissioners may, if they think fit, make advances to the Corporation under and for the purposes of and on any security authorized by this Act, and without requiring any further or other security.

Priority of existing mortgages.

57. Mortgages granted by the Commissioners on the security of their waterworks undertaking shall during their respective continuance have priority over all mortgages granted thereon under this Act.

Waterworks account.

58. The Corporation shall keep a distinct account, to be called the Huddersfield Waterworks Account, of all their receipts, credits, payments, and liabilities with respect to the execution of this Act.

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Application of net profits until new supply obtained.

59. Until the Corporation obtain a supply of water from the works authorized by this Act, they shall yearly set apart the net profits from their waterworks undertaking remaining after payment thereout of all interest chargeable thereon, and of all expenses in respect of their waterworks undertaking properly chargeable to revenue account, and also a proper sum for water used by the Corporation for public purposes, and apply the same in like manner as the surplus value of the Commissioners undertaking is applicable, and the Corporation shall keep such accounts in respect of their waterworks undertaking as may be requisite for the proper ascertainment of those net profits.

Application of income of waterworks.

60. Subject to the provisions of this Act and of the Acts incorporated wholly or partly with this Act, the Corporation shall apply the income of their waterworks undertaking in manner and order following; (that is to say,)

(1.) In payment of the establishment and working expenses of their waterworks undertaking, and in the maintenance of their waterworks:

(2.) In payment of interest from time to time accruing due on their mortgage debt:

(3.) In providing the instalments or sinking fund required by this Act:

And any surplus remaining shall be carried to and form part of the borough fund.

Deficiency to be met by borough rate.

61. If in any year the water rents and other income of the Corporation from their waterworks undertaking are insufficient to meet the charges thereon and any liabilities of the Corporation under this Act, then and in every such case the deficiency shall be met out of the borough fund, and the Corporation shall and they are hereby authorized to make a borough rate or borough rates from time to time, either separately or as part of any other borough rate, to meet any such deficiency, but if a borough rate or any part of a borough rate is levied to meet the deficiency, the same shall be distinguished in the assessment of and receipts for the same.

Application of purchase money of land.

62. Money received by the Corporation as the purchase money of land sold under this Act shall be carried to the waterworks account, and shall be treated as capital.

Limits of Act.

63. The limits of this Act for the supply of water shall be the borough and the following parishes, townships, and places, namely, Longwood, Golcar, otherwise East Golcar, and Slaithwaite, all in the parish of Huddersfield; Linthwaite, Lingards, Meltham, and South Crosland, all in the parish of Almondbury.

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Supply before new works completed.

64. Until a sufficient supply of water is obtained from the new works authorized by this Act to be constructed or purchased, the Corporation shall not be bound to supply water to any place in their district which is not at the passing of this Act supplied by the Commissioners, and shall not by supplying water to any such place diminish the supply to the district which is at the passing of this Act supplied by the Commissioners.

Water need not be constantly laid on, &c.

65. The water supplied by the Corporation need not be constantly laid on under pressure, nor shall the Corporation be bound to keep any of their pipes at all times charged with water, or at any time to lay on the supply of water at any elevation at which the water cannot be supplied from the service reservoir from which the supply is taken.

Regulations for preventing waste, &c. of water.

66. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; namely,

(1.) The Corporation may from time to time make such byelaws and regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(2.) By any such regulations the Corporation may direct the use, and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, baths, soil-pans, watercloset, and other apparatus or receptacles to be used by such persons for conveying, delivering, and receiving water, and may interdict any arrangement, and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, nuisance, undue consumption, or contamination of water:

(3.) The Corporation shall not be bound under any agreement or otherwise to supply, or to continue to supply, water to any person unless such regulations as are for the time being in force are duly observed by him:

(4.) In case of the failure of any person to observe such regulations as are for the time being in force, the Corporation may, if they think fit, after two hours notice in writing, enter, and by or under the direction of their authorized officer repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the

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expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them as damages, for recovery whereof no special provision is made:

(5.) A printed copy of any byelaws or regulations purporting to have been made by the Corporation, and to be certified by the town clerk as a true copy, and to be sealed with the seal of the Corporation, shall be primâ facie evidence of such byelaws and regulations for all purposes, and it shall not be necessary to produce the original byelaws or regulations, or to prove the making or allowance thereof, or any signature or seal affixed to the copy.

Supply for non-domestic purposes.

67. The Corporation may supply any person within the limits of this Act with water, by measure or otherwise, for any purposes other than domestic purposes, on such terms as they and he agree on, but so that such supply do not interfere with the efficiency of the general supply for domestic purposes.

Water rents.

68. The Corporation may take for a supply of water for domestic purposes within the borough, and also within the township of Meltham, if and when they supply water in that township, water rents not exceeding those specified in the third schedule to this Act, and for such supply of water beyond the borough and township of Meltham one fourth more than the water rents for the time being taken within the borough, and the water rents respectively shall be received and paid subject and according to the regulations in the same schedule contained.

Ascertainment of water rents outside borough.

69. Any person supplied by the Corporation with water for domestic purposes beyond the borough and township of Meltham may at all reasonable times, in order to ascertain the water rents for the time being taken by the Corporation within the borough for such a supply, inspect the books of the Corporation kept for the purposes of this Act on payment of a fee not exceeding one shilling for each inspection.

Power to supply apparatus, &c.

70. The Corporation may, if requested by any person supplied by them with water, furnish to him and from time to time repair or alter any such pipes, valves, cocks, cisterns, baths, soil-pans, water-closets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

Service pipes to be paid for.

71. Notwithstanding anything in this Act or in any Act incorporated wholly or in part with this Act, the Corporation shall not be bound to lay down service pipes or other works from their mains into the houses adjoining, or near thereto, for the supply of such

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houses with water on terms of an annual rent for such pipes and works being charged or paid, but they may do so by agreement, or may require the full cost of such service pipes and works to be paid in the first instance.

Owners of houses or buildings in certain cases to be liable to water rents.

72. Except where the occupiers have expressly agreed in writing with the Corporation to pay the water rent, and are supplied by a separate pipe, the owners of all dwelling houses or buildings, or parts of dwelling houses or buildings occupied as separate tenements, shall be primarily liable to the payment of the water rents (for which purpose the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account, or as agent, receiver, or trustee for any person interested therein, shall be deemed the owner of such house or tenement), and the provisions of this Act, or of any Act wholly or partly incorporated therewith, for the recovery of water rents from occupiers shall apply for the recovery of water rents from owners.

Abatement to owners paying water rents for occupiers.

73. Where the owners of houses or buildings not exceeding ten pounds in annual value are by this Act, or any Act wholly or partly incorporated with this Act, made liable for the water rents in respect of the supply of water to the occupiers thereof, such owners shall be entitled to a deduction or abatement of ten per cent. from the gross amount of such water rents on payment thereof in advance according to the provisions of this Act.

Water rent to be paid in advance.

74. The proportion of the half year's water rents payable to the Corporation from the period at which they contract with any person for the supply of water for domestic purposes until the next half-yearly rent day (the half-yearly rent days being, notwithstanding anything in any Acts incorporated wholly or partially with this Act, the first day of May and the first day of November) shall be paid in advance at the time of the making of the contract, and the full water rent for each half year shall from time to time thenceforward become due and be paid in advance on those half-yearly days as they occur.

Recovery of water rents.

75. In case any person liable to payment of any water rent neglects or refuses to pay the same for the space of seven days after demand thereof by the Corporation, their agent, or collector, any justice having jurisdiction where such person then resides, or where the water was supplied, may issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid, at a time and place named, then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known

place of abode or of business of such person, no sufficient cause is shown to the contrary, two justices having jurisdiction as aforesaid may issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount proved before such justices to be due from such person.

Compelling house to obtain supply of water.

76. With respect to compulsory supply of water in certain cases the following provisions shall have effect; (namely,)

(1.) If upon the report of the surveyor or officer of health of the Corporation it appear to the Corporation that any house situate in any part of the borough which is supplied with water by the Corporation is without a proper supply of water, the Corporation may give notice in writing to the owner thereof, requiring him within a time specified in the notice to do all works necessary for obtaining and to obtain such supply:

(2.) For the purposes of this section, the person for the time being receiving the rackrent of the house on his own account, or as agent, receiver, or trustee for any person interested, or who would receive the same if the house were let at a rackrent, shall be deemed the owner of the house:

(3.) If the notice is not complied with, the Corporation may, if they think fit, do the works and furnish the supply accordingly:

(4.) The expenses incurred by the Corporation in doing such works and obtaining such supply shall be paid to them by the owner:

(5.) Those expenses may to the extent of any rent due or thereafter accruing due from the occupier be recovered by the Corporation from the occupier in the same manner as a water rent, and may be in that case deducted by the occupier from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent as if the amount had been actually paid as rent:

(6.) If they are not recovered from the occupier they may be recovered by the Corporation from the owner (or, in the case of an agent or receiver, from his principal) in any court of competent jurisdiction, and the same until paid shall bear interest at the rate of five per centum per annum:

(7.) The water rent for such compulsory supply shall be the same as would be chargeable if the supply had been furnished on the request of the owner or occupier.

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Supply to part of a house.

77. Notwithstanding anything in this Act, or in any Act incorporated wholly or in part with this Act, the Corporation shall not be bound to supply with water a part only of any dwelling house or building which is divided into or occupied as separate tenements, and they may require before supplying any part thereof with water that a supply be taken for the whole dwelling house or building.

Notice of discontinuance.

78. A notice to the Corporation for the discontinuance of a supply of water shall not be of any effect unless it is in writing, and is left at the office of the town clerk in the town hall in Huddersfield, or sent by post by registered letter to the town clerk at the said office.

Taxation of certain costs.

79. The expenses of any determination and award under this Act relative to the distribution of water to be delivered as compensation for the taking of waters flowing or proceeding into Wessenden Brook and the river Colne respectively, and of the proceedings preliminary thereto and consequent thereon, and the costs incident thereto payable by the Corporation, shall in case of difference be settled as between the parties by one of the masters of the Court of Queen's Bench on the application of either party, and such master may receive and take in respect of each folio in length of every bill of costs so settled a fee of one shilling and no more, which fee shall be taken in money and not in stamps, and may be retained by the master for his own use and benefit, and such master shall also settle the costs of the taxation by him of any bill of costs under this provision, and shall determine and direct by and to whom the whole or any part of such costs of taxation (including the master's taxation fee as aforesaid) shall be paid.

Recovery of costs.

80. If within seven days after demand any costs payable by the Corporation under this Act are not paid to the party entitled to receive the same, they shall be recoverable by distress, and on application to a justice he shall issue his warrant accordingly.

Proof of debt in bankruptcy.

81. If any person against whom the Corporation have any claim or demand under this Act, for water rent or otherwise, becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

Persons entering into contracts with Corporation not disqualified as members of Corporation.

82. Any person entering into any contract with the Corporation relating to the lease, sale, purchase, user, or temporary occupation of lands, or to a loan of money, or to a supply of water or a water meter, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such

contract or of his being, continuing, or acting as such mayor, alderman, councillor, officer, or servant; but no person being mayor, alderman, or councillor shall take part in any discussion or vote in the Council respecting such contract.

Liability to rates, &c. not to disqualify justices.

83. A person shall not be incapable of acting as a justice in the execution in any respect of this Act by reason of his being interested in any contract under this Act for a supply of water, or being liable under this Act to the payment of any rent, rate, or other money.

Authentication of notices.

84. Any summons, demand, or notice, or other such document under this Act, may be in writing or print, or partly in writing and partly in print, and if the same requires authentication by the Corporation or by the Council, the signature thereof by the town clerk shall be a sufficient authentication.

Several sums in one summons.

85. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of distress.

86. Any justice who issues any warrant of distress for any of the purposes of this Act may order that the costs of the Corporation of and incident to the recovery of the money to be levied shall be paid by the person liable to pay the money, and the costs shall be ascertained by the justices and shall be included in the warrant of distress for the recovery of the money.

Penalties not cumulative.

87. Penalties imposed on the Corporation for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and any Act incorporated wholly or in part therewith shall be deemed several Acts.

Power to contract for works.

88. The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act authorized, and all such contracts shall be in writing sealed with the common seal of the Corporation and signed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done, and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

89. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security,

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for such sum of money or other recompence as the Corporation think proper.

Confirmation of agreement in schedule.

90. The agreement set forth in the fourth schedule to this Act is hereby confirmed, and the same shall be valid and binding and be carried into effect accordingly; provided that neither the said agreement nor anything in this section contained shall prejudice or affect the right, estate, or interest of any Corporation or person other than the Corporation and the persons by whom the said agreement is executed.

Power to purchase Meltham waterworks.

91. The Corporation and the Meltham local board may mutually enter into and execute an agreement for the purchase by the Corporation from that board of the waterworks of which that board are the proprietors, and the Corporation may from time to time maintain, improve, and use for the purposes of their waterworks undertaking those waterworks when purchased.

Purchase of existing waterworks in borough.

92. The Corporation, and any company or body established or constituted for the purpose of supplying water in the borough, may enter into and execute any agreement for the purchase by the Corporation from that company or body of the waterworks and undertaking of that company or body, and the Corporation may from time to time maintain, improve, and use for the purposes of their waterworks undertaking any such waterworks when purchased.

Powers for agreements with local boards.

93. The Corporation and the local board for any district, comprised wholly or in part within the limits of this Act, may from time to time agree for the supply by the Corporation to the board of water, in bulk or otherwise, for public, sanitary, private, or other purposes.

Supply by local board.

94. Any such local board so agreeing with the Corporation shall have power to supply water for other than domestic purposes within their district on such terms, and by measure or otherwise, as the board and the person supplied agree, and they shall have all such powers and authorities with respect to the supply of water for other than domestic purposes, as by virtue of the Public Health Act, 1848, or otherwise, they have with respect to the supply of water for domestic purposes, and they shall also be empowered to supply water to their respective districts for domestic purposes at rents not exceeding the maximum rents in this Act mentioned, with the same power for recovering water rents as the Corporation have by this Act or any Act wholly or partially incorporated therewith; and if any such local board supply any water for domestic purposes in any part of their district, they shall be under the like

obligations respecting the supply of water for domestic purposes throughout their district as by this Act, or any Act wholly or partially incorporated therewith, are imposed on the Corporation with respect to the district within the limits of this Act.

Local board to levy rates for purposes of agreements.

95. Any such local board shall from time to time levy the rates requisite to enable them to pay the water rents made payable to the Corporation by the agreement with them, and to give full effect to the terms and conditions and proper incidents thereof.

Mode of levying of rates.

96. Any such rates may be included in the general district rates levied by the local board, or may be levied separately therefrom, quarterly or otherwise, and either prospectively in order to raise money for future expenses, or restrospectively in order to raise money for past expenses, or in part prospectively and in part retrospectively, as the local board from time to time think fit.

Rating of railways, &c.

97. Any rate or proportion of rate to be levied by the Corporation, or by any local board, by virtue of and for the purposes of this Act, shall, as regards railways and canals, the owner of any tithes or of any tithe commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, be subject to the limitations contained in section 55 of "The Local Government Act, 1858."

Saving rights of Sir John William Ramsden, &c.

98. Nothing in this Act shall prejudice, defeat, lessen, or affect any rights, titles, or claims which Sir John William Ramsden, Baronet, or the person or persons for the time being entitled to 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 resettlement thereof, or of any Act of Parliament relating to the same, or to the rents and profits thereof, his or their heirs, executors, administrators, and assigns, may have against the Commissioners, and such rights, titles, or claims (if any such there be) shall have the same effect against the Corporation as they would have had against the Commissioners if this Act had not been passed; but nothing in this section shall be deemed to preserve to any person or persons any right of appointing Commissioners, or any right incident thereto; and it shall not be lawful for the Corporation to make or bore any adits, shafts, or borings on any lands part of the last-mentioned estates, or of the estates of Sir John William Ramsden, his heirs or assigns, for the purpose of obtaining or searching for water without in each instance the previous consent in writing of the said Sir John William Ramsden, Baronet, or the person or persons for the time being entitled as aforesaid, his or their heirs, executors, administrators, or assigns.

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Saving rights of Huddersfield Gas Company.

99. Nothing in this Act contained shall take away, alter, prejudice, or affect any of the rights, privileges, or authorities of the Huddersfield Gas Company under or by virtue of "The Huddersfield Gas Act, 1861," but such reservation of the rights, privileges, and authorities of the said gas company shall be subject and without prejudice to the provisions of the said Waterworks Clauses Act, 1847, and of the said Huddersfield Gas Act, 1861, for guarding against the fouling of water, and the obligations of the said gas company with respect to the fouling of water shall continue in full force and effect notwithstanding anything contained in this Act.

Saving rights of Corporation.

100. Nothing in this Act shall take away or abridge any of the rights, powers, or privileges of the Corporation.

Expenses of Act.

101. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of money received by them under this Act or out of the borough fund.

The SCHEDULES to which the foregoing Act refers. A.D. 1869.

THE FIRST SCHEDULE.

The Commissioners Acts.

Session and Chapter.	Title.
7 & 8 Geo. IV. c. 84.	An Act for supplying with water the town and neighbourhood of Huddersfield in the West Riding of the county of York.
8 & 9 Vict. c. 70. -	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.

THE SECOND SCHEDULE.

Sections of the Commissioners Acts excepted from Repeal by the foregoing Act.

7 & 8 Geo. 4. c. lxxxiv.

Section 21. And be it further enacted, that it shall be lawful for the said Commissioners, by themselves, their managers, servants, agents, workmen, and assistants, to make, complete, and maintain reservoirs, aqueducts, waterworks, engines, and pipes, and other buildings, erections, works, and conveniences at or near to Spring Grove in the township of Huddersfield, and at or near to Clough Head in the township of Longwood, for supplying with water, by means

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of such waterworks, the town and neighbourhood of Huddersfield within the township and parish of Huddersfield aforesaid, from the said springs or sources of water called Nettleton Hill or Maulshead, Royleshead, Bald Royd, Middle Spring, Head Well Spring, and Clough Head Springs, and also another reservoir, works, and conveniences at or near to a certain place called the Leys in the said township of Longwood, for the purpose of supplying the owners and occupiers of certain mills and works herein-after mentioned with water, and the said Commissioners are hereby fully empowered, by themselves, their deputies, agents, workmen, or servants, to supply the said intended reservoirs, aqueducts, waterworks, and other works during the time that the same shall be making, and at all times for ever after the same shall be made, with water from the said springs, and also from any brooks, streams, springs, watercourses, and other sources of water which may be found in making the said waterworks, and to make, erect, and set up such and so many feeders, tunnels, shafts, sluices, weirs, engines, and other machines for supplying the said waterworks with water, and for any other purposes relating to the making, maintaining, and using such waterworks, as they the said Commissioners shall from time to time think proper and expedient; and in order the better to effectuate the purposes aforesaid, the said Commissioners and their agents, officers, workmen, and servants are hereby empowered to dig and break up the soil of any private lands and hereditaments which they are hereby empowered to take (subject to the provisions and directions of this Act), and also to dig and break up the soil and pavements of any of the roads, highways, footways, streets, lanes, alleys, passages, and public places within the townships of Longwood and Lindley-cum-Quarmby and the town and neighbourhood aforesaid, and to sink and lay mains, pipes, trunks, and other conveniences for the purposes aforesaid, and to put stopcocks, or plugs, or branches from such mains, pipes, trunks, and other conveniences in such places and in such manner as shall be necessary for the purposes aforesaid, and from time to time to alter the position of and to repair, relay, and maintain such mains, pipes, trunks, stopcocks, and plugs, and do all such acts, matters, and things as they the said Commissioners shall from time to time, and at any time, think necessary and expedient for completing, amending, repairing, improving, and using the works by this Act authorized according to the true intent and meaning thereof, and to make, erect, and provide such engine houses and other works, and such cisterns, basins, main pipes, conduit pipes, hand pipes, plugs, valves, branches of lead and other metal, cocks, chamber cocks, cocks in common, main feeders, pumpers, and pumps, and to do all such other acts as shall be necessary or expedient for supplying the inhabitants of such town and neighbourhood with water, and in otherwise carrying this Act into complete execution, and also from time to time to divert, alter, repair, widen, enlarge, amend, and discontinue the same, they the said Commissioners, their agents, servants, and workmen, doing as little damage as may be in the execution of the powers hereby granted to them, and making full satisfaction in manner herein-after mentioned to the owners of and persons interested in any lands or premises which may be taken, removed, diverted, or injuriously prejudiced for any damages which shall be sustained by such owners of or other persons interested in the lands or premises which shall be taken or used by the said Commissioners, or which shall be injured by being overflowed or otherwise, in or by the execution of any of the powers of this Act, and this Act shall be sufficient to

indemnify the said Commissioners, their servants, agents, and workmen, and all other persons acting under their authority, for what they shall do by virtue of the powers hereby granted: Provided always, that the said Commissioners shall and they are hereby required to leave a sufficient supply of water at the places where the springs herein-before particularly named and described rise, so that the water of such springs may at all times hereafter be there taken and enjoyed by all persons resorting thereto for domestic purposes and for watering cattle, as the same hath been heretofore taken and enjoyed by them.

Millowners to be supplied with water from Commissioners gratis.

Section 22. And whereas the owners and occupiers of certain mills and other works called New Mill, Clough Bottom Mill, Bank House Mill, and Longroyd Mill, situate upon Longwood and Golcar Brook and upon the river Colne respectively, within the townships of Longwood and Huddersfield and North Crosland, in the said county, are at present and have been for some time past in part supplied with water from the said springs called Nettleton Hill or Maulshead, Royleshead, Bald Royd, Middle Spring, Head Well Spring, and Clough Head Springs, or some of them: And whereas it is estimated that one hundred and twenty thousand gallons of water per diem will be sufficient for the present supply of the said town and neighbourhood of Huddersfield, and inasmuch as it may happen that such owners or occupiers of the said mills and works may be respectively injured or prejudiced by the diversion or use of the water, or part thereof, from the said springs, or some of them, for the purposes of this Act, it is reasonable that the deficiency which shall or may arise from such diversion should be provided for at the sole expense of the said Commissioners, and it is expedient that provision should be made for securing such supply of water, and otherwise for the protection, security, compensation, and satisfaction of the respective owners and occupiers thereof: And whereas the reservoir herein-before authorized to be made at or near to Leys aforesaid is intended for the sole purpose of affording such supply: Be it therefore further enacted, that the said Commissioners shall and they are hereby required, at their own expense, previous to the diversion of the said water or any part thereof from the said springs, or any of them, to make or cause to be made in a proper and substantial manner the said reservoir for impounding and keeping water for the use, benefit, and advantage of the owners and occupiers of the said mills and works respectively, of such dimensions and extent as will hold and contain not less than two million four hundred thousand cubic feet of water available for the purposes of such owners and occupiers, such reservoir to be formed by a proper bank across the Longwood Brook, the slope or inclination of which shall be made so as to be not more than one foot perpendicular to three feet base at the least, with sufficient pipes of cast iron and other proper materials, and proper valves or cloughs for drawing off the water from the said reservoir for the use of the said mills and works, with proper waste weirs for carrying off the waste water thereof, and the said Commissioners shall and they are hereby required at their own expense from time to time and at all times hereafter well and sufficiently to repair, uphold, maintain, and support the said reservoir, and all the dams, banks, goits, trunks, channels, water-gates, and other works appertaining thereto: Provided always, that it shall be lawful for the owners and occupiers of the said mills and other works from time to time and at all times, as they shall think fit, to draw off the water from the said reservoir for the use of the said mills and other works respectively.

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Commissioners to make good any damage that may be done by reservoir breaking down.

Section 23. And be it further enacted, that the said Commissioners shall and are hereby required from time to time, and at all times for ever hereafter, to sustain, pay, and make good to all and every of the said owners and occupiers of the said mills and other works respectively for the time being, and every other person or persons, all damages and expenses which may be occasioned or incurred by the breaking down or overflowing of the said reservoir, or the want of repair of the said banks, piers, or goits thereof: Provided always, and it is hereby declared, that it shall and may be lawful to and for the said Commissioners, their agents, servants, and workmen to draw and let off the water of the said reservoir at or near Leys aforesaid, when and so often as it shall or may be necessary, for the purpose of repairing and keeping in repair the said reservoir, and the dams, banks, goits, trunks, channels, water-gates, pipes, valves, and other works appertaining thereto, or any part or parts thereof respectively, the said Commissioners in drawing off the said waters doing as little damage thereby as may be.

Commissioners to enlarge reservoir in certain cases.

Section 24. Provided always, and be it further enacted, that in case it shall at any time hereafter become necessary, for the purpose of supplying the said town and neighbourhood with water, for the said Commissioners to take from the said springs or sources of water called Nettleton Hill or Maulshead, Royleshead, Bald Royd, Middle Spring, Head Well Spring, and Clough Head Spring, a greater or larger quantity than one hundred and twenty thousand gallons per diem, then and in such case the said Commissioners shall and they are hereby required previously to enlarge and maintain the said reservoir at Leys aforesaid, so as to be capable of containing an additional quantity of water commensurate with the excess so required, and for the purpose of ascertaining the quantity of water taken by the said Commissioners for the purposes aforesaid, the said Commissioners shall and they are hereby required to find, provide, affix, and maintain such and so many gauge or gauges, at such place or places, and in such manner as Mr. Nicholas Brown (an engineer appointed on behalf of the said Commissioners) and Mr. John Raistrick (an engineer appointed on behalf of the said owners and occupiers) shall think necessary and mutually agree upon, and in case any dispute should at any time or times hereafter arise as to the quantity of water taken by the said Commissioners from the said springs, the said Commissioners shall and are hereby required from time to time, and at all times, to allow the owners and occupiers of the said mills and other works, and any engineer to be appointed by them, to enter into and upon, view, and inspect the said waterworks and other premises of and belonging to the said Commissioners, and to take all necessary gauges for ascertaining the exact quantity of water taken by the said Commissioners from the said springs for the purposes aforesaid, and that for the purpose of facilitating the inspection above mentioned the Commissioners shall cause a key of the buildings within which such gauge or gauges is placed to be kept at some house within one quarter of a mile of the said gauges, which key shall be at all times accessible to any of the last-mentioned persons having the right of inspection.

Reserving the right of inhabitants of Longwood and others to the Head Well Spring.

Section 25. And whereas the water of the said spring or springs called Head Well hath been immemorially resorted to and used by the inhabitants of Longwood aforesaid, and the adjoining townships, especially in times of great drought:

And whereas certain dwelling houses, lands, and tenements in Longwood aforesaid, near the said last-mentioned spring, claimed to be the property of Thomas Brook, William Brook, and Mary Hanson, widow, or of the heirs-at-law or devisees of Edward Hanson, deceased, and now severally occupied by them and their respective tenants, have long enjoyed the surplus water arising from the said spring or springs after the same had overflowed a trough placed by the side of the highway or road in Longwood, near a place called Bull Green: Be it further enacted, that the said Commissioners shall at their own expense collect into one stream and channel the whole of the water produced by the said Head Well spring or springs, and convey the same into a trough or troughs to be by them provided and placed where the present trough is placed, or as near thereto and as conveniently as may be, to be resorted to and used by the inhabitants of Longwood aforesaid, and the adjoining townships, as fully and freely in every respect as heretofore; and the said Commissioners shall from time to time and at all times hereafter find, provide, place, and maintain a cast iron or lead pipe, not less than one inch and one-eighth in diameter, so as after supplying the said inhabitants a quantity of water equal to the capacity of such pipe, with a pressure or head of six inches in the least above the centre of the orifice of such pipe, shall be thereby conveyed into the drain or sewer now made under and across the said highway or road, and thence to flow in its present channel to the dwelling houses, lands, and tenements herein-before described as claimed to be the property of the said Thomas Brook and William Brook, and Mary Hanson, or of the heirs-at-law or devisees of Edward Hanson, deceased, and now severally occupied by them and their respective tenants as aforesaid, to be used and applied by them and the present and future owners and occupiers of the said dwelling houses, lands, and tenements for all purposes whatsoever, and no water whatsoever shall be diverted by the said Commissioners from the said spring or springs called Head Well until after the said inhabitants and the said pipe shall be well and effectually supplied as aforesaid.

Saving right of proprietor of Mills Bridge House to a certain supply of water.

Section 26. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prevent the owner or occupier for the time being for ever hereafter of a mansion house in the township of Longwood aforesaid, called Mills Bridge House, from having and enjoying such supply of water for the said mansion house and appurtenances for such purposes as the present owner and occupier thereof is now legally entitled to under or by virtue of his purchase deeds or otherwise from the former owner thereof.

As to repairing the reservoir at Leys.

Section 27. And be it further enacted, that in case the said Commissioners shall refuse or neglect to repair, support, and maintain the said reservoir at Leys aforesaid for the space of fourteen days next after notice thereof in writing shall have been given to the said Commissioners by or on behalf of the owners or occupiers of the said mills and other works, or other person or persons, who shall find himself, herself, or themselves aggrieved by or by reason of any such refusal or neglect, then and in every such case it shall and may be lawful for every or any of such owners or occupiers, or other person or persons, who shall find himself so aggrieved by such neglect or refusal (after having applied for and obtained the approbation of and order in writing from any three or more

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justices of the peace for the West Riding of the county of York, which order the said justices are hereby authorized and empowered from time to time, as often as there shall be occasion, at their discretion to make and grant) to repair, amend, support, or renew the said last-mentioned reservoir from time to time, as occasion shall require, and all the reasonable costs and charges of such repairs and amendments to be settled and allowed by the said justices shall be repaid by the said Commissioners to the person or respective persons who shall have so repaired, amended, supported, or renewed such works as aforesaid, and upon refusal or neglect of the said Commissioners to pay the said costs and charges, the same shall or may be levied and recovered by distress and sale of the goods and chattels vested in the said Commissioners by virtue of this Act, by warrant under the hands and seals of the said justices, rendering to the said Commissioners the overplus after payment of such costs and charges, and the reasonable expenses of such warrant, distress, and sale, and which warrant such justices are hereby empowered to grant.

Furnaces of steam engines to consume their own smoke.

Section 28. Provided always, and be it further enacted, that the furnace of every steam engine, if any, to be erected by the said Commissioners, shall be constructed upon the principle of consuming or regulating its own smoke, provided that the same can be satisfactorily effected by any apparatus now known for that purpose.

Watering places to be made in certain cases.

Section 29. And be it further enacted, that in case any close or inclosure from which the water from the springs herein-before particularly named and described, or any of them, shall be taken, shall by reason of such water being so taken be deprived of the benefit of such water, the said Commissioners shall and they are hereby required to make and maintain such troughs or watering places in each and every of such inclosure as may be necessary for supplying the cattle and stock therein with as sufficient a quantity of water as they enjoyed before the passing of this Act.

Waste water to be turned off at or near the spring head.

Section 30. Provided also, and be it further enacted, that the said Commissioners shall from time to time turn off and discharge, or cause to be turned off and discharged, such spare or waste water of the aforesaid springs as shall not be wanted for the supply of the inhabitants of the said town and neighbourhood at the respective spring heads, or so near thereto that the water so turned off and discharged may run and pass in the same course as hath been usual, or as near thereto and as soon after being so turned off as may be.

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8 & 9 Vict. c. lxx.

Power to make additional waterworks.

Section 3. And be it enacted, that from and after the passing of this Act it shall be lawful for the said Commissioners and their successors, by themselves, their agents, servants, and workmen, and they are hereby empowered to construct and maintain all such additional reservoirs, waterworks, and other works and conveniences as they shall think proper, in the situations, and upon, into, through, over, or under the lands delineated on the plan and described in

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the book of reference relating to the said waterworks deposited with the clerk of the peace for the West Riding of the county of York, as herein-after more particularly mentioned, and to supply with water, by means of such waterworks, the town and neighbourhood of Huddersfield within the township and parish of Huddersfield aforesaid, as well from the several springs or sources of water mentioned in the said recited Act as also from certain other springs, sources, or streams of water called or known by the names of the Ridings, Helm Hirst, Lynn Lands, Cat Tail Ing, and Wood Field Springs, and the several springs, sources, and streams of water flowing into Bunney Clough; and called Bunney Clough Springs, and from all and every the springs or sources of water now taken or used by the said Commissioners for that purpose within the townships of Longwood and Golcar, or one of them, both within the said parish of Huddersfield, and also all the surface water which shall or may flow or run from, on, or along the lands and grounds in the said townships of Longwood and Golcar, or either of them, above or level with and lying adjoining or near to the present or intended reservoir or reservoirs of the said Commissioners at or near to Royleshead in Longwood aforesaid, and also from such springs, watercourses, and other sources of water as may be found in constructing the said additional waterworks and other works by this Act authorized, and for the purposes aforesaid from time to time for ever hereafter to lay down, dig, cut, drive, make, or set up, and to maintain and keep in repair all such aqueducts, drains, sluices, main and service pipes and feeders, or other pipes or conveyances for water, cocks, or plugs in, upon, under, and along any of the public roads, streets, lanes, ways, or paths, or the sides thereof, within the townships of Longwood and Lindley-cum-Quarmby and the town and neighbourhood aforesaid, and all damage which shall be thereby done, or which at any time thereafter shall arise from the said aqueducts, drains, sluices, pipes, works, and conveniences, to any of the said lands, roads, streets, lanes, ways, or paths, shall be immediately repaired and made good by the said Commissioners: Provided always, that nothing in this Act or in the said recited Act contained shall extend to prevent the said Commissioners supplying with water from the said works any of the parties now deriving a supply of water therefrom: Provided always, that before the said Commissioners shall take any water from the said streams, springs, or sources of water called Bunney Clough, they are hereby authorized and required to construct and affix an embankment or weir across the said Bunney Clough, and to insert in such embankment or weir a pipe or aperture of one inch and a quarter in diameter for the purpose of supplying the works or manufactories now or heretofore supplied with water therefrom, and that the whole of the surplus water arising in or flowing down the said Bunney Clough shall, after filling the said last-mentioned pipe or aperture, be diverted and taken by the said Commissioners for the purpose of supplying with water the inhabitants or occupiers of houses, buildings, or premises situate within the said town and neighbourhood, within the township and parish of Huddersfield aforesaid, according to the provisions of the said recited Act or of this Act.

Certain springs not to be impounded, &c.

Section 4. Provided always, and be it enacted, that nothing in this Act or in the said recited Act contained shall extend or be construed to extend to authorize or enable the said Commissioners to take, use, impound, obstruct, or divert

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two certain springs or streams of water situate in the said townships of Longwood and Golcar, or one of them, in the said parish of Huddersfield, the one of such springs being called or known by the name of Holling Hall Spring, and the other called or known by the name of Bunney Clough Spring, the latter of such springs rising or having its source in the south-west corner of a certain field or close called the Milking Close in the possession or occupation of John Dyson as tenant to Sir Joseph Radcliffe, Baronet, but that the said two several springs last mentioned shall at all times hereafter be permitted to flow and be taken and used by the inhabitants of the said township of Golcar as freely and uninterruptedly, and in such and the same manner in all respects as the same have been heretofore accustomed to flow and be taken and used, anything in this Act or in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Repealing provisions of former Act regulating the quantity of water to be taken by the Commissioners.

Section 5. And whereas it is by the said recited Act enacted, that it should be lawful for the said Commissioners to make, complete, and maintain (among other works) a reservoir, works, and conveniences at or near to a certain place called the Leys in the said township of Longwood, for the purpose of supplying the owners and occupiers of certain mills and works therein-after mentioned with water, and after reciting that the owners and occupiers of certain mills and other works called Newmill, Cloughbottom Mill, Bank House Mill, and Longroyd Mill, situate upon Longwood and Golcar Brook and upon the river Colne respectively, within the townships of Longwood and Huddersfield and North Crosland in the said county, were then and had been for some time past in part supplied with water from the springs therein mentioned called Nettleton Hill or Maulshead, Royleshead, Baldroyd, Middlespring, Headwell Spring, and Cloughhead Springs, or some of them, and that it was estimated that one hundred and twenty thousand gallons of water per diem would be sufficient for the then present supply of the said town and neighbourhood of Huddersfield; and inasmuch as it might happen that such owners or occupiers of the said mills and works might be respectively injured or prejudiced by the diversion or use of the water, or part thereof, from the said springs, or some of them, for the purposes of the said recited Act, it was reasonable that the deficiency which might arise from such diversion should be provided for at the sole expense of the said Commissioners, and it was expedient that provisions should be made for securing such supply of water, and otherwise for the protection, security, compensation, and satisfaction of the respective owners and occupiers thereof, and that the reservoir therein-before authorized to be made at or near to Leys aforesaid was intended for the sole purpose of affording such supply, it was by the said Act therefore enacted, that the said Commissioners should at their own expense, previous to the diversion of the said water, or any part thereof, from the said springs therein mentioned, or any of them, make the said reservoir for impounding and keeping water for the use, benefit, and advantage of the owners and occupiers of the said mills and works respectively, of such dimensions and extent as would hold and contain not less than two millions four hundred thousand cubic feet of water available for the purposes of such owners and occupiers, such reservoir to be formed in the manner therein mentioned; and the said Commissioners should from time to time well and

sufficiently repair, uphold, maintain, and support the said reservoir and all the works appertaining thereto, and that it should be lawful for the owners and occupiers of the said mills and other works from time to time and at all times, as they should think fit, to draw off the water from the said reservoir for the use of the said mills and other works respectively; and it was by the said recited Act further enacted, that in case it should at any time thereafter become necessary, for the purpose of supplying the said town and neighbourhood with water, for the said Commissioners to take from the said springs or sources of water called Nettleton Hill or Maulshead, Royleshead, Bald Royd, Middle Spring, Headwell Spring, and Cloughhead Springs, a greater or larger quantity than one hundred and twenty thousand gallons per diem, then and in such case the said Commissioners should previously enlarge and maintain the said reservoir at Leys aforesaid, so as to be capable of containing an additional quantity of water commensurate with the excess so required, and for the purpose of ascertaining the quantity of water taken by the said Commissioners for the purposes aforesaid, the said Commissioners should find, provide, affix, and maintain such gauges at such places and in such manner as Mr. Nicholas Brown (an engineer appointed on behalf of the said Commissioners) and Mr. John Raistrick (an engineer appointed on behalf of the said owners and occupiers) should think necessary; and in case any dispute should at any time arise as to the quantity of water taken by the said Commissioners from the said springs the said Commissioners should from time to time allow the owners and occupiers of the said mills and other works, and any engineer to be appointed by them, to enter into and upon, view, and inspect the said waterworks and other premises of and belonging to the said Commissioners, and to take all necessary gauges for ascertaining the exact quantity of water taken by the said Commissioners from the said springs for the purposes aforesaid, and that for the purpose of facilitating the inspection above mentioned, the said Commissioners should cause a key of the buildings within which such gauges were placed to be kept at some house within one quarter of a mile of the said gauges, which key should be at all times accessible to any of the last-mentioned persons having the right of inspection: And whereas the said provisions for regulating the quantity of water to be taken by the said Commissioners have been found inconvenient: Be it therefore enacted, that so much of the said recited Act as relates to the proportions or size of the said reservoir for the supply of the said mills and other works, and the quantity of water taken by the said Commissioners for the purpose of supplying the said town and neighbourhood with water, and to the fixing and maintaining of gauges, and the appointing of engineers, and all other clauses and provisions in the said recited Act contained for ascertaining the quantity of water taken by the said Commissioners, shall be and they are hereby repealed.

Commissioners to enlarge reservoir at Leys to 6,500,000 cubic feet.

Section 6. And be it enacted, that the said Commissioners shall at their own expense, previous to the diversion of any water from any of the additional springs or sources of water not heretofore taken or used by the said Commissioners, enlarge and extend the said reservoir for impounding and keeping water for the use, benefit, and advantage of the owners and occupiers of the said mills and other works respectively to such dimensions and extent as will hold and contain in the whole six millions five hundred thousand cubic feet of

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water available for the purpose of such owners and occupiers, the bank of such reservoir to be raised and completed in the same proportions, as regards the slope or inclination thereof, as are provided by the said recited Act for the present bank thereof, and no new excavations within such reservoir shall be made at a lower level than the pipe next herein-after mentioned, and the said Commissioners shall introduce a discharge pipe of proper materials into the bank of the same reservoir not more than twelve feet below the top of the present bank; and such last-mentioned pipe shall be twelve inches in diameter, unless a majority of the owners and occupiers of the said mills and other works hereinbefore mentioned shall within three months next after the passing of this Act require that the said pipe shall be of less diameter than twelve inches, and such pipe shall be provided with a valve or clough for drawing off the water from the said reservoir for the use of the said mills and works, and such last-mentioned reservoir shall, when enlarged as above mentioned, be provided with proper waste weirs for carrying off the waste water thereof; and the said Commissioners shall at their own expense from time to time and at all times hereafter well and sufficiently repair, uphold, maintain, and support the said reservoir, and the dams, banks, goits, trunks, channels, water-gates, and other works appertaining thereto; and the said Commissioners shall also at the like expense provide the said owners and occupiers of the said mills and other works with a free and uninterrupted right of footway to and from the bank of the same reservoir for the purpose of conveniently regulating the discharge or supply of water therefrom.

Millowners reservoir to be surveyed, and the completion and contents thereof to be certified.

Section 7. Provided always, and be it enacted, that when the said Commissioners shall have made and completed the said last-mentioned reservoir of such size and extent, and in manner above mentioned, they shall give notice to the said owners and occupiers of the said mills and other works thereof, and of the appointment of an engineer on behalf of the said Commissioners for the purposes next herein-after mentioned, whereupon the said owners and occupiers of the said mills and other works shall within twenty-eight days next after the delivery of such notice as last aforesaid give notice to the said Commissioners of the name and address of an engineer on their behalf for the like purposes, and such two engineers shall proceed forthwith to survey such reservoir, and measure the capacity thereof, and shall certify in writing under their hands the completion and size thereof to the said Commissioners, and the said owners and occupiers of the said mills and other works, which certificate when obtained shall be filed at the office of the said clerk of the peace, and an examined copy thereof shall be received in all courts of justice or elsewhere as evidence of the contents thereof: Provided nevertheless, that if the owners and occupiers of the said mills and other works shall neglect, for the said space of twenty-eight days, to signify to the Commissioners the name and address of an engineer on their behalf the said reservoir shall be deemed to have been constructed in all respects according to the provisions of this Act, and it shall not be lawful for the said owners and occupiers at any time thereafter to call in question the sufficiency thereof.

THE THIRD SCHEDULE.

Maximum Water Rents within Borough of Huddersfield.

A.—Domestic Supply.

Value of property supplied.	Maximum annual payment.
Not exceeding five pounds - - -	Ten shillings.
Exceeding five and not exceeding six pounds -	Twelve shillings.
Exceeding six and not exceeding seven pounds -	Fourteen shillings.
Exceeding seven and not exceeding eight pounds -	Sixteen shillings.
Exceeding eight and not exceeding nine pounds -	Eighteen shillings.
Exceeding nine and not exceeding ten pounds -	One pound.
Exceeding ten and not exceeding twelve pounds -	One pound four shillings.
Exceeding twelve and not exceeding fifteen pounds	One pound ten shillings.
Exceeding fifteen and not exceeding twenty pounds	Two pounds.
Exceeding twenty and not exceeding twenty-five pounds - - - - -	Two pounds ten shillings.
Exceeding twenty-five and not exceeding thirty pounds - - - - -	Three pounds.
Exceeding thirty and not exceeding thirty-five pounds - - - - -	Three pounds ten shillings.
Exceeding thirty-five and not exceeding forty pounds - - - - -	Four pounds.
Exceeding forty and not exceeding forty-five pounds - - - - -	Four pounds ten shillings.
Exceeding forty-five and not exceeding fifty pounds	Five pounds.
Exceeding fifty and not exceeding fifty-five pounds	Five pounds ten shillings.
Exceeding fifty-five and not exceeding sixty pounds	Six pounds.
Exceeding sixty and not exceeding seventy pounds	Seven pounds.
Exceeding seventy and not exceeding eighty pounds	Eight pounds.
Exceeding eighty and not exceeding ninety pounds	Nine pounds.
Exceeding ninety and not exceeding one hundred pounds - - - - -	Ten pounds.
Exceeding one hundred pounds, then for each additional one hundred pounds of annual rackrent or value - - - - - -	Ten pounds.
For every fraction of such additional one hundred pounds of annual rackrent or value - -	The amount payable in case of an annual rackrent or value of same amount as such fraction.

B.—Watercloset and Baths.

For one bath, any sum not exceeding ten shillings per annum.

For every watercloset or bath beyond the first, any sum not exceeding five shillings per annum.

Regulations.

For the purposes of this schedule, the actual amount of rent paid for the property supplied where that can be ascertained, and otherwise the gross annual value of the property as assessed to the poor rate, shall be taken as the value of the property.

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THE FOURTH SCHEDULE.

AGREEMENT made this 7th day of April 1869, between the mayor, aldermen, and burgesses of the borough of Huddersfield in the county of York, herein-after called the Corporation, of the first part, and John Broadbent and Butterworth Broadbent, both of Longwood in the parish of Huddersfield, millowners, Robert Robinson, of Lockwood, in the said borough of Huddersfield, chemist and druggist, Samuel Pearson, of Hartshead in the county of York, estate agent, Squire Dyson, of Cliff End in Longwood aforesaid, millowner, and James Kay, of Bury in the county of Lancaster, gentleman, and Elizabeth his wife, and William Shaw, of Longwood aforesaid, millowner and manufacturer, all of whom are herein-after designated as and included in the expression "the said millowners," of the second part.

WHEREAS the Corporation in conjunction with the Huddersfield Waterworks Commissioners are promoting a bill in Parliament for the transfer of the existing waterworks and undertakings of the Commissioners to the Corporation, and for powers to purchase additional lands and to make additional waterworks for the better supply of the said borough and other neighbouring places with water, and for other purposes, the short title of which bill or intended Act is the Huddersfield Waterworks Act, 1869: And whereas under the provisions of the existing Huddersfield Waterworks Acts, passed in the years 1827 and 1845, a compensation reservoir has been constructed on the Longwood Brook for the storage and supply of compensation water to the said brook, and in the first instance the waters arising or being in and upon certain lands comprising in the whole about one hundred and twenty-five acres, situate at or near Shaw, Petty Royds, Round Ings, and Crool, in Longwood aforesaid, and which are delineated upon the plan hereto annexed, and thereon coloured pink, flowed or passed into the said reservoir; but as the said millowners allege and complain, some years ago by certain arrangements made by or on behalf of the said waterworks commissioners with the owners of part of the said lands, certain drains or water conduits were constructed therein which have diverted from the said compensation reservoir, and deprived the said millowners of the waters in or upon the said lands, and have appropriated the same for the supply of Huddersfield: And whereas the said Commissioners in the session of the year 1866 promoted a bill in Parliament for obtaining further powers to enable them to construct additional waterworks and for other purposes, which bill was opposed in Parliament by, amongst others, the said millowners as millowners entitled to falls of water on the Longwood Brook below the existing compensation reservoir of the Commissioners on the ground, amongst others, of what was alleged to be the wrongful diversion of water from such compensation reservoir, and from the said millowners falls below by means of the said drains, conduits, and other works on the said Shaw and Petty Royds estates, and the said bill was, with certain amendments, passed by the House of Commons, but rejected

by the House of Lords: And whereas a bill is now being promoted in Parliament whereby it is sought to vest in the said Corporation the said lands, drains, and works, and to sanction and confirm the said diversion and appropriation of waters: And whereas the said millowners have signified to the Corporation their intention to oppose the said present bill now being promoted: And whereas in settlement and retirement of such opposition, and in satisfaction of the said millowners claims and damages in respect of the premises, and the said bill, the Corporation and the said millowners have respectively agreed and do hereby agree together as follows; namely,

1. In case the bill now being promoted in Parliament as aforesaid shall pass into a law during the present or next session of Parliament, and this agreement be sanctioned by Parliament, the Corporation shall pay to the said millowners the several sums herein-after mentioned, making together the sum of one thousand four hundred pounds, in full satisfaction and compensation for their respective damages already incurred, or to be incurred or sustained as aforesaid, and for their several interests, claims, and demands in, upon, or in respect of the said diversion of water, and under the said bill, such sum to be paid within three calendar months from the passing of the said bill into an Act, and to be divided and apportioned between the said millowners in the sums and proportions of four hundred pounds to the said John Broadbent and Butterworth Broadbent, five hundred pounds to the said Robert Robinson, Samuel Pearson, Squire Dyson, James Kay, and Elizabeth Kay, and five hundred pounds to the said William Shaw.

2. In consideration of the premises the said millowners will not directly or indirectly oppose the said bill now being promoted.

3. The Corporation shall close up the opening into the existing drain or conduit at or about the point marked C on the said plan, and shall not, either under the powers or provisions of the proposed bill or otherwise, except by the written consent of the said millowners respectively, by means of the present drains and works in or under the said lands and estates, or by any other means whatever, divert any waters from any lands or premises lying to the north of the conduit represented by the strong black line upon the said plan, or to the westward of the dotted line extended from C to D upon the said plan; but this agreement is not to affect the rights, powers, and interests of the respective parties with respect to a proposed straightening or deviation of one of the said drains across a field of the said William Shaw, numbered 120 on the parliamentary plans referred to in the said bill, in or near the dotted line extending from A to B on the said plan under the powers of the said bill, if and when the Corporation shall have purchased or acquired from the said William Shaw under the said bill the necessary land or easement for the purpose of such straightening or deviation; and it is hereby declared that the compensation money herein provided to be paid to the said William Shaw shall not include his estate and interest in such last-mentioned field or in respect of such easement thereon.

4. That under any circumstances the Corporation shall pay all the costs, charges, and expenses incurred by the said millowners of and incident to the preparation, settlement, and completion of this agreement and the confirmation thereof, should such confirmation be opposed in either House of Parliament.

A.D. 1869.

5. That in the event of any of the said millowners refusing to concur in and sign this agreement on the same being presented for signature, such non-concurrence shall not affect or invalidate the same as regards the others, but this agreement shall notwithstanding such non-concurrence be binding and conclusive as between the Corporation and the said millowners who shall sign the same, their respective proportions of the consideration money only being in such case payable under these presents.

As witness the corporate common seal of the said Corporation and the hands of the said other parties hereto.

Witness to the signature of John Broadbent,
CHARLES EDWD. FREEMAN,
Solicitor, Huddersfield. } JOHN BROADBENT.

Witness to the signature of Butterworth Broadbent,
CHAS. EDWD. FREEMAN. } BUTTERWORTH BROADBENT.

Witness to the signatures of the said Robert Robinson, Samuel Pearson, Squire Dyson, James Kay, and Elizabeth Kay,
GEORGE DYSON,
Solicitor, Huddersfield. } ROBERT ROBINSON.
SAMUEL PEARSON.
SQUIRE DYSON.
JAMES KAY.
ELIZABETH KAY.

Witness to the signature of the said William Shaw,
H. DYSON,
Clerk to Messrs. Laycock, Dyson, & Laycock,
Solicitors, Huddersfield. } WM. SHAW.

The corporate common seal of the mayor, aldermen, and burgesses of the borough of Huddersfield was hereunto affixed in the presence of
GEO. SYKES. } L.S.

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