CHAPTER lxix.

An Act for empowering the Local Board for the district of Ossett-cum-Gawthorpe in the West Riding of the county of York to make Waterworks and to supply Water, and to make Sewerage Works and Improvements of Streets; and for other purposes. [14th June 1875.]

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WHEREAS there is a Local Board for the district of Ossett-cum-Gawthorpe in the west riding of the county of York having the powers and authorities of an urban sanitary authority:

And whereas the supply of water which is procurable in and available for the said district is very inadequate to supply the wants thereof, and it is expedient that the said Local Board should be authorised to construct and maintain a service reservoir and waterworks and other works connected therewith:

And whereas to improve the supply of water in their district the said Local Board have, for the purpose of obtaining a supply of water in bulk, made a contract with the mayor, aldermen, and burgesses of the borough of Batley in the said west riding of the county of York, under and by virtue of which the said supply of water in bulk is to be delivered at or near a certain reservoir in the township and parish of Batley, which contract is set forth in the schedule to this Act annexed; and it is expedient that the said contract be made binding:

And whereas for the purpose of supplying water to their district it is also expedient that the said Local Board be empowered from time to time to enter into and carry into effect contracts for the supply to them of water in bulk, for distribution and use within their district, at such rate or price, for such periods, and on such terms and conditions as may from time to time be agreed upon:

And whereas it is expedient that the said Local Board be empowered to make and maintain improved sewerage works, and to acquire

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and use lands for the purposes of utilisation and treatment of the sewage of their district:

And whereas it is expedient that the said Local Board be empowered to improve certain streets within their district, and for such purpose that provisions such as are in this Act contained should be made:

And whereas it is expedient to extend in various respects the powers of the said Local Board in relation to matters necessary for the improvement and government of their district:

And whereas it is expedient that the said Local Board be authorised to borrow such sums and to make such rates as may be required for the purposes aforesaid in the manner and subject to the conditions by this Act prescribed:

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

And whereas plans and sections showing the lines, situations, and levels of the proposed works, and the lands in or upon which the same are intended to be made, or which may be taken or affected under the compulsory powers of purchase conferred by this Act, and a book of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace for the west riding of the county of York, and the same are in this Act respectively 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

I.—Preliminary.

Short title.

1. This Act may be cited as "The Ossett-cum-Gawthorpe Local Board Act, 1875."

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts), the Waterworks Clauses Acts, 1847 and 1863, except the provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and the several provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, shall

(except where varied by or inconsistent with this Act) be incorporated with this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts in whole or in part incorporated by this Act meanings are assigned have for the purposes of this Act the same respective meanings, provided that the expressions "the promoters of the undertaking," "the undertakers," "the commissioners," and "the company" respectively, shall mean the Local Board, and provided also that the expression "superior courts" or "court of competent jurisdiction," or any other like expression in any of such Acts as aforesaid and in this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

In this Act the terms "Local Government Acts," "Sanitary Acts," and "urban sanitary authority" shall have the same respective meanings as in the Public Health Act, 1872.

The expression "the Local Board" shall mean the Local Board for the district of Ossett-cum-Gawthorpe aforesaid.

The expression "the district" shall mean the district of the Ossett-cum-Gawthorpe Local Board.

The expression "the Batley corporation" shall mean the mayor, aldermen, and burgesses of the borough of Batley.

The expression "water undertaking" shall mean the waterworks and the works connected therewith by this Act authorised.

The expression "sewerage undertaking" shall mean the sewerage works and the works connected therewith by this Act authorised.

The expression "street improvements" shall mean the street improvements and works connected therewith by this Act authorised.

Effect of schedule.

4. The schedule to this Act shall be part of this Act.

II.—Lands.

Power to take lands, &c.

5. Subject to the provisions of this Act, the Local Board may enter upon, purchase, take, and use such of the said lands delineated on the deposited plans and described in the deposited book of reference, or any easement, right, or privilege in, over, or affecting any such lands, as shall be necessary for the purposes of this Act.

Correction of errors, &c.

6. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Local Board may apply to

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two justices for the correction thereof, after giving ten days notice to the owners, lessees, or occupiers of the lands affected by the proposed correction, and if it appears to the justices that the same arose from mistake, they shall so certify, stating the particulars thereof, and their certificate shall be deposited (as regards both the county and the parish or extra-parochial place) as if the same had originally formed part of the deposited plans or book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate; and the Local Board may enter on, purchase, take, hold, and use the lands, easements, rights, or privileges to which the certificate relates accordingly.

Powers for compulsory purchases limited.

7. From the passing of this Act the powers of the Local Board for the compulsory purchase of lands, easements, rights, and privileges for the several works by this Act authorised shall not be exercised after the times herein-after respectively mentioned in relation thereto; (that is to say,)

For the water undertaking three years;

For the sewerage undertaking five years; and

For the street improvements seven years.

Power to take additional lands by agreement.

8. In addition to the lands which the Local Board are by this Act authorised to purchase compulsorily, they may from time to time, by agreement, purchase in consideration of a sum in gross or of a perpetual rentcharge, or partly for one consideration and partly for another, any additional quantity of land not exceeding in the whole five acres which the Local Board may from time to time think requisite for any of the purposes of their water undertaking, and also any additional quantity of land not exceeding in the whole fifty acres which the Local Board may from time to time deem necessary for any of the purposes of their sewerage undertaking.

Power to take easements, &c. by agreement.

9. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Local Board any easement, right, or privilege, not being an easement of water required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Application of Lands Clauses Acts to easements.

10. For the purposes of this Act the provisions of the Lands Clauses Acts with respect to lands and rentcharges shall, so far as the same are applicable in this behalf, extend to apply to rights, easements, and privileges and rentcharges granted or reserved under this Act.

Power to take down buildings and lay out lands anew.

11. The Local Board may take down the whole or any part of the buildings situate on any part of any lands which they may acquire, and may sell and dispose of the materials thereof, and may appropriate the said lands to such of the purposes of this Act as they think proper, and may lay out the said lands anew in such way and manner as they may deem best, and may sell or dispose of the surplus ground or buildings, or any part thereof, or grant leases of the same, or any part thereof, on such terms and subject to such conditions as they may determine, and generally the Local Board may deal with the lands, houses, and premises now vested in them, or which they may acquire as owners thereof, subject only to the conditions and provisions of this Act: Provided nevertheless, that the Local Board shall not erect buildings and houses for any purpose other than public purposes.

Right of entry on lands to inspect and repair pipes, &c.

12. Where under the authority of this Act the Local Board have laid any pipes or constructed any works upon any lands, it shall be lawful for them, their officers and servants, at all reasonable times, to enter upon such lands for the purpose of inspecting such pipes or works, and of keeping in repair and renewing the same, doing as little damage as may be, and making compensation for any damage done in the exercise of the powers by this section conferred.

Reservation of water rights, &c. on sale.

13. On any sale by the Local Board of any lands, they may reserve to themselves all or any of the water or water rights or all or any of the easements (if any) belonging to such lands or usually enjoyed therewith, and may make any such sale subject to such other reservations, special or other conditions, restrictions, and provisions as they may think fit.

Application of purchase money.

14. Any purchase money received on any sale of lands, buildings, or premises, and any money received for equality of exchange by the Local Board under this Act, shall be distinguished as capital in the accounts of the Local Board, and any moneys received by the Local Board by way of rent in respect of any lands, buildings, or premises demised or let by the Local Board under this Act shall be applied by them to all or some of the purposes for which general district rates may be made, and in aid of the same.

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III.—Water.

Limits of supply.

15. The limits of this Act for the supply of water, in this Act referred to as the limits of supply, shall be the district.

Power to construct waterworks.

16. The Local Board may, on lands acquired by them under the authority of this Act, make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks herein-after described.

The waterworks authorised by this Act are as follows:

(*a.*) A service reservoir (herein-after called "the Gawthorpe reservoir") and other buildings and works connected therewith, to be situate in a field on the south-western side of Chidswell Lane, belonging or reputed to belong to Edwin Rowley, and in the occupation of Charles Firth and Joshua Fawcett, the northern corner of which said Gawthorpe reservoir will be distant about thirty-six yards in a south-easterly direction from the point where the said Chidswell Lane is joined by the boundary line between the townships of Soothill and Ossett-cum-Gawthorpe, and such reservoir will commence at its north-eastern end at a distance of thirty-five yards or thereabouts in a south-westerly direction from the said Chidswell Lane, and will terminate at its south-western end at a distance of eighty-six yards or thereabouts in a south-westerly direction from the said Chidswell Lane, and will be wholly situate in the township of Ossett-cum-Gawthorpe, in the parish of Dewsbury, in the said west riding of the county of York:

(*b.*) An aqueduct or conduit to commence by a junction with the main supply pipe of the Batley Corporation Waterworks at or near the point where such pipe enters the new service reservoir of the said Batley corporation, situate at Staincliffe in the township and parish of Batley, such point being in Staincliffe Hall Road, and distant about seventy yards in a north-easterly direction from the junction of the said Staincliffe Hall Road with the Wakefield and Halifax Road, and terminating at the north-western side of the proposed Gawthorpe reservoir, which said conduit will be situate or pass from, in, through, or into the several parishes, townships, and extra-parochial places following, or some or one of them; (that is to say,) Batley, Dewsbury, Soothill, and Ossett-cum-Gawthorpe, all in the west riding of the county of York:

with all necessary and convenient approaches, roads, ways, banks, tanks, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith.

Limits of deviation.

17. In constructing the waterworks authorised by this Act the Local Board may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards for the aqueduct or conduit, and two feet upwards or downwards for the reservoir: Provided always, that the Local Board shall not in the exercise of the power of lateral deviation herein-before given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall thereon delineated, and two feet in addition.

Application of Railways Clauses Consolidation Act, 1845, to waterworks.

18. The provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, shall apply to the waterworks by this Act authorised as if waterworks were therein mentioned instead of the railway, and the boundaries of waterworks instead of the centre of the railway, and as if the limit of twenty yards were therein mentioned instead of the limits of five hundred yards and of two hundred yards, and as if the Local Board were a company.

For the protection of Great Northern Railway.

19. In constructing and maintaining the works by this Act authorised (as shown on the deposited plans affecting the railway, lands, and works of the Great Northern Railway Company), the Local Board shall be subject to the following conditions, viz.:

All works crossing or affecting the said railway or works shall be executed and maintained at the expense of the Local Board, under the superintendence and to the satisfaction of the engineer for the time being of the company, and according to plans and specifications previously submitted to such engineer:

If the surveyor of the Local Board and the engineer of the company differ concerning the said plans or specifications, or the execution of the said works, every such difference shall be settled by an engineer to be appointed by the said surveyor and the engineer of the company, or failing agreement by the arbitration of an engineer to be appointed by the Board of Trade on the application of either party, the costs of the arbitration being in the discretion of the arbitrator:

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

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The Local Board shall acquire only an easement and the Great Northern Railway Company shall grant an easement in and under such parts of the railway, works, lands, and property of the said company as may be necessary for constructing and maintaining the works by this Act authorised:

If by reason of the construction and maintenance of the works by this Act authorised the said railway or works shall be in any way damaged or injured, or the traffic thereon impeded, the Local Board shall compensate the Great Northern Railway Company for any loss or expense occasioned thereby:

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

For protection of the London and North-western Railway.

20. The Local Board in making, laying, and constructing the aqueduct or conduit B. where it shall pass along the road called Jack Lane under the bridge carrying the London and North-western Railway over that road, shall so make, lay, construct, and maintain the same as not in any way to interfere with the foundations of the abutments or structure of that bridge, and if any injury shall arise to such bridge by reason of the bursting or leakage of such aqueduct or conduit, or otherwise by any work, act, operation, or default of the Local Board or any of their contractors, or of their respective servants, agents, or workmen, the Local Board shall make full compensation to the London and North-western Railway Company in respect of such injury.

Confirmation of agreement in schedule.

21. The contract set forth in the schedule to this Act is hereby confirmed and made binding, and the same shall be carried into effect by the respective parties thereto, and the Batley corporation shall have full power to deliver and the Local Board shall have full power to take and use the quantities of water in that contract set forth.

Power to contract for supply of water.

22. Notwithstanding anything in this Act or any Act now in force within the district, the Local Board may from time to time enter into and carry into effect contracts and agreements with any corporation, local board, or waterworks company for the supply of water to the Local Board at such rates or prices, for such periods, and on such terms and conditions as are from time to time agreed on.

Power to Local Board to supply water.

23. The Local Board may, subject to the provisions of this Act, within the limits of supply, sell and dispose of water taken or acquired under the provisions of this Act.

Height of supply.

24. Notwithstanding anything in this Act, it shall not be obligatory on the Local Board to supply water at a greater height than that to which it will flow by gravitation from the bottom of the Gawthorpe reservoir.

Power to Local Board to compel owners, &c. to take water supply.

25. The owner and occupier of any dwelling-house in any street within the limits of supply in which pipes shall have been laid down by the Local Board shall, when required by the Local Board, suffer the Local Board to lay down communication pipes and other necessary works for the supply of such house with water for domestic purposes, and to supply water for such purposes, and shall for such supply pay the rates by this Act authorised.

For preventing waste, misuse, undue consumption, or contamination of water.

26. For preventing waste, misuse, undue comsumption, or contamination of the water of the Local Board, the following provisions shall have effect; (namely,)

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

(2.) By any such regulations the Local Board may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles to be used by such persons for conveying, delivering, and receiving such water, and may thereby interdict any arrangement, and the use of any pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles which, in their judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination:

(3.) The Local Board shall not be bound to supply or to continue to supply water to any such person as aforesaid, unless such rules and regulations as are for the time being in force are duly observed by him:

(4.) In case of the failure of any such person to observe such rules and regulations as are for the time being in force, the Local Board may, if they think fit, upon the report by their duly authorised officer of such failure, after six hours notice in writing enter, and, by or under the direction of such authorised officer, repair, replace, or alter any pipe, valve,

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cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them with water, and the power of entry given by section 15 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 expenses of every such repair, replacement, or alteration shall be repaid to the Local Board by the person to whom or on whose credit the water is supplied, and may be recovered by them as damages for recovery whereof no special provision is made:

(5.) Where an owner or occupier shall require a supply of water from the main, the junction of the service pipes necessary for such supply with the main may be made by the officer of the Local Board, and in all cases the whole of the work necessary for the supply of water, or for the laying or repairing of such service pipe between such point of junction and the house, building, or tenement to be supplied, may be executed by such officer of the Local Board, and the charges thereby incurred, including the cost of materials, shall be repaid by such owner or occupier, and may be recovered by proceedings before justices in a summary manner:

(6.) A printed copy of any byelaws or regulations purporting to have been made by the Local Board, and to be certified by their clerk as a true copy, and to be sealed with the seal of the Local Board, 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.

Rates for supply for domestic purposes.

27. The Local Board may demand and take for the supply of water for domestic purposes (which shall include watercloseted) such rates as they may from time to time, with the approval of the Local Government Board, fix and determine.

Water supplied by agreement.

28. The Local Board may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Local Board and such person, corporation, or company; but notwithstanding any such agreement, no person, corporation, or company shall be entitled to such

a supply whenever and so long as the Local Board are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act, and every such agreement shall be by virtue of this Act determinable by either party on one month's notice in writing.

Supply of water by meter.

29. The Local Board may if they think fit enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Power to Local Board to lay communication pipes in certain cases.

30. Where any owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water shall wish to have water from the water-works of the Local Board brought into his premises, and such owner or occupier is authorised to open the ground between the pipes of the Local Board and his premises, then and in every such case the Local Board may if they shall so think fit, instead of such owner or occupier, if they shall have obtained the consent of the owners and occupiers of such ground, break up such ground and lay any leaden or other pipes from such premises to communicate with the pipes of the Local Board; and the Local Board may charge for such works and for such leaden and other pipes such reasonable sum as shall be agreed upon, or, in case of dispute, as shall be settled by two justices, and may recover such sum with costs in any court of competent jurisdiction.

Local Board to keep meters in repair.

31. The Local Board shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing, the consumer shall not be liable to pay rent for any such meter or other instrument during such times as such default continues. The Local Board shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of meters to be evidence.

32. Where water is supplied by measure, the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed, and in respect of which any water rent is charged and sought to be recovered by the Local Board: Provided always, that if the Local Board and the consumer differ as to the quantity consumed, such difference shall be determined upon the application of either party by two justices,

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who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Power to charge as for average consumption in certain cases.

33. If from any cause whatever any meter shall cease to indicate correctly the quantity of water passing through it, the Local Board shall be entitled to charge for the supply according to the average weekly consumption for the month preceding the date on which such meter was last examined and found in order, and the quantity so ascertained shall be treated and considered as having passed such meter.

Abatement to owners paying water rents for occupiers.

34. Where the owners of houses or buildings not exceeding ten pounds in annual rateable value are liable for the water rents in respect of the supply of water to the occupiers thereof, those owners shall be entitled to an abatement at the rate of ten pounds per centum from the gross amount of the water rents on due payment thereof in advance.

Notice respecting meter or water pipes.

35. Any person who connects or disconnects a meter or pipe by which water of the Local Board has been or is intended to be registered or supplied without giving to the Local Board at least twenty-four hours notice of his intention to do so, shall for every such offence be liable, on summary conviction, to forfeit and pay a penalty not exceeding five pounds.

Supply to separate tenements.

36. Notwithstanding anything in this Act, it shall not be imperative upon the Local Board to supply water to a dwelling-house or building which is divided into or occupied in separate tenements unless a supply is taken and paid for in respect of all the separate tenements for the time being.

Supply to tenements in a row.

37. When there are several tenements contiguous or near to each other, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Local Board to any other such tenement unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water.

Misuser where supply to several houses is by a pipe common to all.

38. Any tenant or occupier of one or part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Local Board to any other such house, or allows the same to be used contrary to the provisions of this Act, shall for every such offence be liable to a penalty not exceeding five pounds.

Incoming tenant not liable to pay arrears.

39. In case any consumer of water supplied by the Local Board leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the

Local Board shall not be entitled to require from the next tenant of such tenement the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Injuring meters.

40. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Local Board, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Local Board, shall, without prejudice to any other right or remedy for the protection of the Local Board or the punishment of the offender, for every such offence forfeit and pay to the Local Board a sum not exceeding five pounds, and the Local Board may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Local Board, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Local Board may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Local Board when such pipe, meter, or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer of such water.

IV.—Sewerage.

Sewerage works.

41. Subject to the provisions of this Act, the Local Board may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the following sewerage works; (that is to say,)

(1.) Certain works, to be called the Eastern Outfall Sewage Works, to be situate in a certain close of land at Spring End in the township of Ossett-cum-Gawthorpe, belonging or reputed to belong to Thomas Haigh, as trustee for Mrs. Emma Smith, and now in the occupation of Nathan Lucas, which said close of land is bounded on the northern side by property belonging or reputed to belong to Wil-

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liam Clayton, on the southern side by property belonging or reputed to belong to Henry Oakes, on the eastern side by the brook forming the boundary between the townships of Ossett-cum-Gawthorpe and Alverthorpe-cum-Thornes, and on the western side by Spa Street; such Eastern Outfall Sewage Works will commence at their eastern end at the said brook forming the boundary between the townships of Ossett-cum-Gawthorpe and Alverthorpe-cum-Thornes, and terminate at their western end at a distance varying from ninety to one hundred and six yards or thereabouts in a westerly direction from the said brook:

(2.) A new road commencing at or near a point in Spa Street one hundred and twenty-six yards or thereabouts in a north-westerly direction from the point where the said street is intersected by the boundary line between the townships of Ossett-cum-Gawthorpe and Horbury, and extending thence in an easterly direction to and terminating at the south-western corner of the aforesaid Eastern Outfall Sewage Works:

(3.) Certain works, to be called the Southern Outfall Sewage Works, to be situate in a certain close of land at Healey, in the township of Ossett-cum-Gawthorpe, belonging or reputed to belong to John Gawthorpe and Squire Gawthorpe, and now in the occupation of John Gawthorpe, and which same close of land is bounded on the north-east by land belonging or reputed to belong to John William Greenwood, on the south-east partly by other land belonging or reputed to belong to John William Greenwood, and partly by land belonging or reputed to belong to Charles Wheatley, on the south-west by other land belonging or reputed to belong to the said John Gawthorpe and Squire Gawthorpe, and on the north-west by the gasworks of the Ossett and Horbury Gaslight Company; such Southern Outfall Sewage Works will commence at their north-eastern end at the north-eastern end of the said close of land, and terminate at their south-western end at a distance of seventy-three yards or thereabouts in a south-westerly direction from the aforesaid point of commencement:

4.) A new road, situate wholly in the township of Ossett-cum-Gawthorpe aforesaid, commencing at a point in Healey Lane close to the northern corner of the aforesaid gasworks of the Ossett and Horbury Gaslight Company, and

terminating at the northern corner of the said Southern Outfall Sewage Works:

(5.) A sewer, to be called the Eastern Outfall Sewer, situate in the townships of Ossett-cum-Gawthorpe and Alverthorpe-cum-Thornes, commencing at a point in the Wakefield Road in the township of Ossett-cum-Gawthorpe aforesaid, distant four yards or thereabouts in a south-easterly direction from the south-eastern side of the bridge carrying the Great Northern Railway over the said Wakefield Road, and extending thence in a south-easterly direction to and terminating at the northern side of the proposed Eastern Outfall Sewage Works:

(6.) A sewer, to be called the Town End Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near a point in Broad Owler Lane, in the township of Ossett-cum-Gawthorpe aforesaid, where such lane is joined by Blueclay Lane, and extending thence in an easterly direction to and terminating by a junction with the aforesaid Eastern Outfall Sewer at or near a point about fifteen yards above the north-western end of the dam or reservoir of the Whitley Spring Mill, belonging or reputed to belong to William Gartside:

(7.) A sewer, to be called the Intake Lane Outfall Sewer, situate wholly in the aforesaid township of Ossett-cum-Gawthorpe, commencing at or near a point in Intake Lane eight yards or thereabouts in a north-westerly direction from the north-west side of the level crossing of the Great Northern Railway in such lane, and extending thence in a westerly direction to and terminating by a junction with the said Town End Outfall Sewer in Broad Owler Lane at a point twelve yards or thereabouts in a northerly direction from the west side of the level crossing of the Great Northern Railway in the said Broad Owler Lane:

(8.) A sewer, to be called the Spa Street Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near a point in Spa Street twenty-two yards or thereabouts in a southerly direction from the Fleece Inn, and extending thence in an easterly direction to and terminating by a junction with the aforesaid Eastern Outfall Sewer at or near a point about ninety-five yards in a north-westerly direction from the aforesaid Eastern Outfall Sewage Works:

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(9.) A sewer, to be called the Horbury Road Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near a point in Sowood Lane where such lane is joined by Horbury Road, and extending thence in a north-easterly direction to and terminating at or near a point in Spa Road where such Spa Road is joined by an occupation road one hundred and fifty yards or thereabouts in a south-westerly direction from Chapel Street:

(10.) A sewer, to be called the Spa Road Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near the point of junction of Spa Road, Spa Street, and Teall Street, and extending thence in a north-easterly direction along a bridle road leading from Spa Road aforesaid to the Wakefield and Halifax Road, and terminating by a junction with the aforesaid Eastern Outfall Sewer, at or near a point in such bridle road five yards or thereabouts south-west of the boundary line between the townships of Alverthorpe-cum-Thornes and Ossett-cum-Gawthorpe:

(11.) A sewer, to be called the Southern Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near a point in Healey Lane fifty-four yards or thereabouts north-east of the northern corner of the gasworks of the Ossett and Horbury Gaslight Company, and extending thence in a southerly direction to and terminating at the northern corner of the aforesaid proposed Southern Outfall Sewage Works:

(12.) A sewer, to be called the Storrs Hill Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing at or near a point in Storrs Hill Road one hundred and fifty-four yards or thereabouts south-west of the junction of the said Storrs Hill Road with the road known as the Green, and extending thence in a north-westerly direction to and terminating at or near a point in Healey Lane ninety yards or thereabouts north-east of the junction of Healey Lane with Stuttering Lane:

(13.) A sewer, to be called the West Wells Outfall Sewer, situate wholly in the township of Ossett-cum-Gawthorpe, commencing in the West Wells Road, at or near a public well called or known as the West Well, and extending thence in a south-easterly direction to and terminating at a point in Healey Lane two hundred and seventy-six yards or

thereabouts south-west of the junction of the said Healey Lane with the aforesaid road known as the Green:

(14.) A storm overflow or conduit, situate wholly in the township of Ossett-cum-Gawthorpe, commencing in the Wakefield Road at a point three hundred and sixty-seven yards or thereabouts east of the junction of the said road with the Dewsbury Road and Dale Street, and extending thence in an easterly direction to and terminating at the stream or watercourse on the southern side of and parallel with the said Wakefield Road at a point one hundred yards or thereabouts east of the aforesaid point of commencement:

together with all necessary and proper culverts, channels, junctions, sluices, pipes, appliances, approaches, and conveniences connected therewith.

Power to deviate.

42. In making the sewerage works by this Act authorised the Local Board may deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of deviation marked thereon, and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding six feet upwards and eight feet downwards.

Power to break up roads.

43. In making the sewerage works by this Act authorised the Local Board may from time to time, as far as they think necessary or convenient for the purposes thereof, break up, cross over or under, or stop up temporarily, any street, highway, path, sewer, drain, or watercourse, and may divert any pipes, sewer, drain, watercourse, or line of communication, and shall either pay compensation for or make good any damage done in the exercise of the powers by this section conferred.

Application of Railways Clauses Consolidation Act, 1845, to sewerage works.

44. The provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, shall apply to the sewerage works by this Act authorised as if conduits and works were therein mentioned instead of the railway, and the boundaries of conduits and works instead of the centre of the railway, and as if the limit of two hundred yards were therein mentioned instead of the limit of five hundred yards and of two hundred yards, and as if the Local Board were a company.

Description of sewage land.

45. The Local Board, after purchasing and taking the lands following, or any part thereof, may use the same or any part thereof for the purposes of utilisation and treatment of sewage, and the same are in this Act referred to as the sewage lands; (that is to say,)

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(*a.*) Land situate at Spring End in the township of Ossett-cum-Gawthorpe, containing three acres two roods twenty-four perches or thereabouts, belonging or reputed to belong to Thomas Haigh, as trustee for Mrs. Emma Smith, now or late in the occupation of Nathan Lucas, and bounded on the northern side by property belonging or reputed to belong to William Clayton, on the southern side by property belonging or reputed to belong to Henry Oakes, on the eastern side by the brook forming the boundary between the townships of Ossett-cum-Gawthorpe and Alverthorpe-cum-Thornes, and on the western side by Spa Street:

(*b.*) Land situate at Healey in the township of Ossett-cum-Gawthorpe, containing one acre two roods thirty perches or thereabouts, belonging or reputed to belong to John Gawthorpe and Squire Gawthorpe, now or late in the occupation of John Gawthorpe, and bounded on the north-east by land belonging or reputed to belong to John William Greenwood, on the south-east partly by other land belonging or reputed to belong to John William Greenwood, and partly by land belonging or reputed to belong to Charles Wheatley, on the south-west by other land belonging or reputed to belong to the said John Gawthorpe and Squire Gawthorpe, and on the north-west by the gasworks of the Ossett and Horbury Gaslight Company:

(*c.*) Land situate at Healey in the township of Ossett-cum-Gawthorpe, consisting of a slip of land eighteen feet wide or thereabouts, and containing twenty-four perches or thereabouts, belonging or reputed to belong to John William Greenwood, now or late in the occupation of Messrs. John Ellis, Philip Ellis, and Eli Ellis, and bounded on the north-east and south-east by other land belonging or reputed to belong to the said John William Greenwood, on the south-west by the gasworks of the Ossett and Horbury Gaslight Company, and on the north-west by Healey Lane.

Powers of Local Board in respect to sewage lands.

46. In relation to the sewage lands the Local Board shall have the following powers; (that is to say,)

To use those lands or any part or parts thereof respectively for the purpose of thereon receiving, collecting, removing, storing, depositing, precipitating, filtering, disinfecting, deodorising, defecating, distributing, irrigating, or other like purposes, or otherwise utilising or dealing with or disposing of or removing sewage and sewage matter, as they deem fit:

To make, provide, lay down, maintain, renew, improve, enlarge, and use from time to time on those lands, or any part or parts thereof respectively, such roads, tanks, pipes, drains, conduits, receptacles, pumps, machinery, and apparatus, in such manner and in such places as they think requisite for any of the purposes aforesaid:

To let or lease any surplus lands or any part or parts thereof respectively for such terms and at such yearly or other rents, and subject to such provisions and restrictions, as they think fit:

To sell and convey any part or parts of any lands which in the opinion of the Local Board shall not immediately or prospectively be required for or in connexion with the sewerage undertaking, upon such terms and subject to such special and other conditions, restrictions, exceptions, and reservations as they think fit.

Nuisance not to be created.

47. The Local Board shall cause the sewage works by this Act authorised to be so constructed and kept as not to be or to create a nuisance, and nothing in this Act shall exonerate the Local Board from any indictment or proceeding at law or in equity for a nuisance in the event of any nuisance being caused by them.

Junctions from private drains to main sewers to be made by officers of Local Board and charged to owners.

48. In all cases where an owner or owners shall require a junction between a private drain and a main sewer such junction may be made by the officers of the Local Board, and in any highway the whole of the work necessary for the laying and repairing of any private or service drain between such point of junction and the line of frontage of the property to be drained may be executed by such officers of the Local Board, and the charges thereby incurred, including the cost of materials, shall be repaid by such owner or owners, and may be recovered by proceedings before justices in a summary manner.

Penalty for wrongfully taking sewage or sewage matter.

49. If any person not being entitled under agreement with the Local Board to a supply of sewage or sewage matter wrongfully takes or uses any sewage or sewage matter, he shall, without prejudice to any other right or remedy for the protection of the Local Board or the punishment of the offender, for every such offence be liable, on summary conviction, to forfeit and pay to the Local Board a penalty not exceeding five pounds, and the Local Board may in addition thereto recover the amount of any damage by them sustained.

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V.—Improvements of Streets.

Power to Local Board to alter streets, &c.

50. Subject to the provisions of this Act, the Local Board are hereby empowered to effect in the lines and according to the levels on the deposited plans and sections the following improvements of streets within the township of Ossett-cum-Gawthorpe; (that is to say,)

(*a.*) To widen part of the south-eastern side of Dale Street in the township of Ossett-cum-Gawthorpe, such widening to commence at or near a point one hundred and fifty-five yards or thereabouts south-west of the junction of such street with the Wakefield and Dewsbury Roads, and to terminate at or near a point one hundred and eight yards or thereabouts south-west of the aforesaid point of commencement:

(*b.*) To widen part of the north-eastern side of Wesley Street in the township of Ossett-cum-Gawthorpe, such widening to commence in Wesley Street aforesaid at or near a point opposite the north-eastern end of Back Lane, and to terminate at the south-eastern extremity of Wesley Street aforesaid:

(*c.*) To widen part of the south-western side of the street or road called Town End, situate in the township of Ossett-cum-Gawthorpe, such widening to commence at or near the point where the public footpath leading from Intake Lane to the said street or road called Town End joins such street or road, and to terminate at or near a point seventy-six yards or thereabouts in a north-westerly direction from the aforesaid point of commencement:

(*d.*) To widen part of the south-western side of the street or road known as the Green, situate in the township of Ossett-cum-Gawthorpe, such widening to commence at the abutment of the bridge carrying the Great Northern Railway over the said street or road known as the Green, and to terminate at or near a point sixty-three yards or thereabouts in a south-easterly direction from the aforesaid point of commencement:

(*e.*) To widen part of the north-western side of Healey Lane in the township of Ossett-cum-Gawthorpe, such widening to commence at or near the point of junction of Stuttering Lane with Healey Lane aforesaid, and to terminate at or near a point two hundred and twenty yards or thereabouts in a south-westerly direction from the aforesaid point of commencement.

Power to deviate.

51. In making the improvements of streets by this Act authorised, the Local Board may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Local Board may prescribe line of building.

52. The Local Board from time to time may, by their order to be served on the owners of the lands affected thereby, and published in a newspaper circulating within the district, prescribe the line in which any building or fence, or any addition thereto, respectively to be hereafter erected abutting upon or fronting towards any street or court whatsoever within the district shall be erected, and the elevation of such building abutting upon or fronting towards such street or court, and such building shall be erected only in accordance with the line and elevation, and such fence only in accordance with the line so prescribed. Compensation shall be paid by the Local Board for land rendered useless or acquired by them under this section, and in case of difference shall be settled in the manner provided for by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of land otherwise than by agreement. The Local Board may pull down and remove any building or fence erected in contravention of this enactment at any time during the erection of such building or fence, or within a period of two months after the completion thereof, three days notice of such intention to pull down or remove being given by the Local Board to the owner or reputed owner of any works executed contrary to this enactment; and where the Local Board incurs expenses in or about the removal of any such works, they may recover by proceedings before justices in a summary manner the amount of such expenses from the owner or reputed owner thereof.

VI.—Financial.

Power to Local Board to borrow on mortgage.

53. The Local Board may from time to time, with the consent of the Local Government Board, borrow at interest such sums as they may from time to time think requisite for all or any of the purposes of this Act, not exceeding in the whole—

With respect to the water undertaking, twenty thousand five hundred pounds;

With respect to the sewerage undertaking, twenty-four thousand five hundred pounds; and

With respect to the street improvements, five thousand pounds;

and they may secure the repayment of the sums so borrowed by mortgage of the general district rates and of the district fund

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under the Local Government Acts, or of the water undertaking, or of the sewerage undertaking, or of any rents or rates, or of any one or more of such securities, separately or collectively, as they may from time to time think fit.

Lenders not to be required to look to application of moneys.

54. Any person lending money to the Local Board shall not be bound to inquire as to the application or be answerable for any loss or misapplication of such money or any part thereof.

Waterworks sinking fund.

55. The Local Board shall, from and after the expiration of seven years from the passing of this Act, annually set apart out of the moneys carried to the credit of the water undertaking account, and if that shall be insufficient out of the general district rates and district fund, a sum which for the period of fifteen years thereafter shall be not less than one pound per centum per annum, and after the expiration of such period of fifteen years shall be not less than two pounds per centum per annum, upon the amount borrowed by them under the powers of this Act for the purposes of the water undertaking; and the sum or sums so set apart shall be carried to an account to be called the waterworks sinking fund, and such sinking fund shall be from time to time applicable to the discharge of mortgages made under the provisions of this Act, for the purpose of raising money for the waterworks, and (but not till after all the mortgages to the discharge of which it shall be applicable shall have been discharged) to the restoration, extension, and improvement of the waterworks of the Local Board under this Act, and to no other purpose whatsoever.

Application of receipts of Local Board in relation to water undertaking.

56. All moneys which from time to time shall be received by the Local Board in relation to the water undertaking under the powers of this Act (except money borrowed on mortgage) shall be applied as follows; (that is to say,)

Firstly. In paying the costs, charges, and expenses relating to the contract set forth in the schedule to this Act, and attending or incident to the obtaining and passing of this Act:

Secondly. In paying all moneys from time to time due and owing by the Local Board to the Batley corporation under and by virtue of the agreement set forth in the schedule to this Act annexed, and by this Act confirmed, and of all moneys from time to time due and owing by the Local Board under and by virtue of any agreement made under the authority of this Act for the supply of water to the Local Board:

Thirdly. In paying the interest of all moneys borrowed by them

in relation to the water undertaking under the powers of this Act and for the time being remaining due:

Fourthly. In paying the expenses of maintaining the reservoir, aqueduct, and other waterworks by this Act authorised:

Fifthly. In setting apart and appropriating from time to time the waterworks sinking fund in this Act herein-before mentioned:

Sixthly. In repairing, maintaining, and extending the waterworks within their district, and in paying any other expenses incurred in carrying this Act and the Acts in force within the district into execution, in relation to the water undertaking and the supply of water to the district:

Seventhly. In paying off all principal moneys borrowed by them in relation to the water undertaking under this Act and for the time being remaining due:

And lastly. In reducing the rates to be charged for a domestic supply to consumers.

Application of money borrowed by the Local Board under the powers of this Act for the water undertaking.

57. All moneys borrowed by the Local Board for the water undertaking under the authority of this Act shall be applicable as follows; (that is to say,)

Firstly. In paying or repaying to the revenue account the costs, charges, and expenses relating to the contract set forth in the schedule to this Act, and attending or incident to the obtaining and passing of this Act:

Secondly. In paying the expenses of and incident to the construction of the waterworks by this Act authorised, and of the purchase under the provisions of this Act of lands, easements, rights, and privileges in, over, or affecting lands, and of compensation in respect thereof:

Thirdly. In the exercise of the powers of the Local Board with respect to the paying off of moneys borrowed on mortgage, and of re-borrowing for the water undertaking.

Payment of mortgages by instalments or sinking fund.

58. The Local Board shall pay off any money borrowed by them on mortgage for the purposes of the sewerage undertaking and improvements of streets, or either of them, either by yearly or half-yearly instalments, or by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose within sixty years after the passing of this Act; provided that the instalments to be paid and the sums to be carried to such sinking fund shall be such as the Local Government Board shall from time to time, having regard to the provisions of this section, direct and require.

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Mortgages to be in accordance with Sanitary Acts.

59. Subject to the provisions of this Act, the mortgages from time to time granted by the Local Board under the provision of this Act shall be granted in accordance with the provisions of the Local Government Acts with respect to mortgages; and all the powers and provisions of those Acts relating to mortgages and transfers of mortgages, and the investment of the sinking funds, and otherwise, shall, save as by this Act otherwise expressly provided, have effect with respect to mortgages granted by the Local Board and to the moneys forming part of the sinking funds under the provisions of this Act.

Priority of existing mortgages.

60. All mortgages (if any) granted by the Local Board before and subsisting at the passing of this Act shall during their continuance have priority of charge on the respective securities therein comprised over all mortgages granted under this Act.

Priority of mortgages over other debts.

61. All money borrowed by the Local Board on mortgage under the authority of this Act, and the interest thereon, shall have priority over all other debts incurred or engagements entered into by them after the passing of this Act, but this priority shall not affect any claim against the Local Board in respect of any rentcharge granted by them in pursuance of the Lands Clauses Acts.

Power to re-borrow.

62. If the Local Board at any time pay off otherwise than by instalments or by means of a sinking fund any money borrowed by them on mortgage under the provisions of this Act, they may from time to time re-borrow the same or any less amount on mortgage, subject and according to the provisions of this Act relating to borrowing on mortgage.

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

63. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid off by instalments or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Local Board have failed to pay any instalment,

or to set apart any sum required under this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of such sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Borrowing under Sanitary Acts.

64. In calculating the amount which the Local Board may borrow in their capacity of an urban sanitary authority the amount which they may borrow under this Act shall not be reckoned, and the powers of the Local Board of borrowing and re-borrowing under this Act shall not be in any way restricted by any of the provisions or regulations of the Acts relating to urban sanitary authorities.

Application of moneys borrowed.

65. All moneys borrowed by the Local Board under this Act shall be applied for the purposes of this Act for which the same have been borrowed, and for which such capital is applicable, and not otherwise.

Provisions as to defraying expenses of execution of Act.

66. For the purpose of defraying the expenses incurred by the Local Board in the execution of the several purposes of this Act, the Local Board may, when in any year the moneys received or leviable by them in respect of their water undertaking or otherwise howsoever under this Act are insufficient for such purposes, defray all or any of such expenses as they shall think fit out of the general district rates or district fund, in like manner in every respect as if the purposes aforesaid were purposes to which the general district rates and district fund were applicable under the authority and in pursuance of the provisions of the Local Government Acts.

General district rates to be increased.

67. The estimate for and the amount raised by the general district rates leviable by the Local Board shall from time to time comprise the sums for the time being required for the payment of interest on or in respect of the money borrowed under the authority of this Act and for the sinking fund, and for defraying the charges and costs incurred by the Local Board in carrying this Act into execution.

Separate accounts.

68. The Local Board shall keep separate accounts, to be called respectively—

The waterworks account;

The sewerage works account; and

The street improvements account;

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of all their receipts, credits, payments, and liabilities under this Act in respect of the execution thereof in relation to the said specific matters of account, and such accounts shall be subject to the same provisions as to audit, examination, report, inspection, copies, and extracts and production of vouchers as other accounts of the Local Board under the Local Government Acts: Provided always, that where any expenditure is incurred for purposes common to two or more accounts the Local Board as they think fit may apportion the same between such accounts.

VII.—General.

Power to appoint committees.

69. The Local Board from time to time may appoint out of their own body a committee or committees, consisting of such a number of persons as they think fit, for carrying into execution any of the purposes of this Act, which in the discretion of the Local Board would be better regulated and managed by means of such committee: Provided that the acts of every such committee shall, in case the Local Board so order, but not otherwise, be submitted to the Local Board for their approval.

Persons contracting with Local Board for certain purposes not disqualified.

70. Any person entering into a contract with the Local Board relating to a loan of money, or to supply water or a water meter, shall not thereby be disabled from being, continuing, or acting as a member of the Local Board, or as an officer or servant of the Local Board, or incur any penalty by reason of the contract or of his so being, continuing, or acting; but in case of his being a member of the Local Board he shall not take part in any discussion, proceeding, or vote at a meeting of the Local Board respecting the contract.

Penalty for wrongfully interfering with property of Local Board.

71. If any person wilfully or carelessly breaks, injures, or opens, stops up, disturbs, or interferes with any pipe, cistern, drain, sewer, watercock, plug, grating, tank, manhole, lamphole, sluice, or any other thing whatsoever belonging to or under the control of the Local Board, he shall, without prejudice to any other right or remedy for the protection of the Local Board or the punishment of the offender, for every such offence be liable, on summary conviction, to forfeit and pay a penalty not exceeding five pounds, and the Local Board may in addition thereto recover the amount of any damage by them sustained.

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

72. 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 a loan of money, or in any contract under this Act, or his being liable under this Act to the payment of any rent, rate, or other money.

Recovery of penalties.

73. Penalties under this Act shall be recoverable and applicable as penalties under the Sanitary Acts are recoverable and applicable.

Several sums in one summons.

74. 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 recovery of money.

75. For any purpose of this Act a justice may order any person liable to pay money to the Local Board to also pay the costs of the Local Board incident to the recovery of such money, and such costs may be included in any process issued by a justice.

Penalties not cumulative.

76. Penalties imposed on the Local Board in respect of the same matter 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.

Form and service, &c. of notices by Local Board.

77. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served under this Act, or any byelaw by the Local Board, may be in print, lithograph, or writing, or partly in print or lithograph and partly in writing, and shall be sufficiently authenticated by the name of the clerk or of the surveyor of the Local Board or other proper officer (according to the subject of the particular instrument) being affixed thereto in print, lithograph, or writing, or by the seal of the Local Board; and it shall be sufficient, in all cases where any such instrument is required to be given to or served on the owner or occupier of any property, to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring lands or buildings collectively, and when so addressed may be served on more owners or occupiers than one, so that separate copies be served on the respective owners and occupiers of the several lands or buildings concerned; and the Local Board may serve any such instrument on an owner, occupier, or other person either personally or by sending the same through the post, addressed to him by name at his last known or usual place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to some inmate, or if the land or building is unoccupied and the place of abode of the person to be served is, after diligent inquiry, unknown to the Local Board, it shall be sufficient to affix the

A.D. 1875. instrument, or a copy thereof, upon some conspicuous part of the land or building.

Limit of time for the completion of works.

78. The times for the completion of the several works by this Act authorised shall be the times herein-after respectively mentioned in relation thereto; (that is to say,)

For the completion of the waterworks, seven years;

For the completion of the sewerage works, ten years; and

For the completion of the street improvements, ten years;

and if the said works are not respectively completed within the aforesaid periods, then on the expiration of such periods respectively the power granted by this Act to the Local Board for executing the said works respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed: Provided always, that, subject to the restrictions of this Act, the Local Board may from time to time alter and enlarge their engines, machinery, tanks, wells, pipes, reservoirs, culverts, channels, junctions, sluices, appliances, approaches, roadways, banks, and other works in such way and manner as may be requisite and advisable for the several purposes of this Act.

As to pipe crossing the works of a railway or other company.

79. If any difference arise between the Local Board and any railway or other company whose lands or works the Local Board have power to cross under the authority of this Act for the purposes of the works and objects by this Act authorised, as to the mode of laying down, repairing, altering, or enlarging any conduits, sewers, or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Mode of execution of Act.

80. Subject to the provisions of this Act, and except as by this Act otherwise expressly provided, the powers and duties of the Local Board under this Act shall be exercised and discharged in like manner as their powers and duties in their capacity of an urban sanitary authority are exercised and discharged, and as if the purposes and provisions of this Act were purposes and provisions of the Sanitary Acts.

Saving right of Local Board.

81. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, or authority of the Local Board as the urban sanitary authority for their district, or any right, power, or authority belonging to the Local Board at common law or by statute, or otherwise in relation to the sewerage or drainage of their district or connected with the execution or maintenance of any work for any purpose; and all powers given to the Local Board by

this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them as the urban sanitary authority for their district by Act of Parliament, law, or custom, and the Local Board as the urban sanitary authority of their district may exercise such other powers as aforesaid in the same manner as if this Act had not been passed.

Minutes, &c. to be evidence.

82. For any of the purposes of this Act, any minute made of proceedings of the Local Board or of any committee under this Act, if signed by any person purporting to be the chairman of the Local Board or committee at the meeting of the Local Board or committee at which such proceedings took place, shall be receivable in all courts of law and equity and elsewhere as primâ facie evidence without further proof of the proceedings of which the same purports to be a minute, and until the contrary is proved every meeting of the Local Board or committee shall, in respect of the proceedings of which minutes have been so made, be deemed to have been duly convened and held, and all the members thereof to have been duly qualified; and such minutes of proceedings shall at all reasonable times be open to the inspection of any member of the Local Board, and of any mortgagee of the rates, revenue, or property of the Local Board under this Act.

Expenses of Act.

83. The costs, charges, and expenses relating to the contract set forth in the schedule to this Act, and preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act, shall be charged on the general district rates and paid by the Local Board; and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

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SCHEDULE.

The SCHEDULE to which the foregoing Act refers.

THIS INDENTURE, made the ninth day of March one thousand eight hundred and seventy-four, between the mayor, aldermen, and burgesses of the borough of Batley, in the county of York (herein-after called the corporation), of the one part, and the Local Board for the district of Ossett-cum-Gawthorpe, in the said county (herein-after called the Local Board), of the other part, witnesseth that the corporation and the Local Board do hereby, for themselves, their successors and assigns, covenant with each other, that the corporation shall as early as practicable supply the Local Board with water for distribution and use within the district of Ossett-cum-Gawthorpe aforesaid for which the said Local Board acts, and the Local Board shall as early as practicable take and accept the same for the term, at the price, and upon the conditions herein-after contained; (that is to say,)

1. The term shall be ten years from the time when the corporation first commence to supply the Local Board with water.

2. All water supplied shall be delivered at or near a certain reservoir (herein-after and in the Batley Corporation Waterworks Act, 1871, called the Batley reservoir) on land belonging to the corporation in the township and parish of Batley.

3. The water shall be supplied through a meter or meters at a fixed price per thousand gallons, and paid for as follows; (that is to say,) the Local Board shall pay to the corporation eightpence per thousand gallons for all water supplied by the corporation to the Local Board, and payments for the water so supplied shall be made quarterly, within six weeks after the expiration of the quarter.

4. The quantities of water to be supplied by the corporation to the Local Board during the said term shall be as follows; (namely,) during every day of the first year seventy-five thousand gallons, during every day of the second year one hundred thousand gallons, during every day of the third year one hundred and twenty-five thousand gallons, during every day of the fourth year one hundred and fifty thousand gallons, during every day of the fifth year one hundred and seventy-five thousand gallons, during every day of the sixth year two hundred thousand gallons, during every day of the seventh year two hundred and twenty-five thousand gallons, during every day of the eighth year two hundred and fifty thousand gallons, during every day of the ninth year two hundred and seventy-five thousand gallons, during every day of the tenth year three hundred thousand gallons. And the Local Board shall in each quarter of a year pay for not less than two thirds of the quantity of water to be supplied during that quarter in accordance with the foregoing scale; but in

case the corporation shall be unable in any quarter to supply the specified quantity of water, then the Local Board shall only pay for the quantity actually supplied to them in such quarter at the aforesaid rate of eightpence per thousand gallons.

5. The said meter or meters shall be furnished and kept in repair by and at the expense of the corporation or their waterworks committee at the following rent or charge, payable at the end of each quarter; (namely,) for a three-inch meter ten shillings and sixpence per quarter, for a four-inch meter fifteen shillings and ninepence per quarter, for a five-inch meter twenty-three shillings per quarter.

6. The costs and expenses of providing, laying, and keeping in repair a sufficient, separate, and distinct conduit, main, or line of pipes from the inlet pipe or cistern of the Batley reservoir to the boundary of the borough of Batley shall either be borne by the Local Board or the corporation at the option or uncontrolled discretion of the Local Board; but in case the Local Board shall prefer and require the corporation to incur such costs and expenses, then and in that case the corporation shall do so, and the Local Board shall, so long as water is supplied to them as aforesaid, pay to the corporation at the rate of ten pounds per centum per annum on the amount of capital expended by the corporation in providing and laying such lastly above-mentioned conduit, main, or line of pipes, and no branch pipe, drawing cock, or other outlet shall at any time be made in or upon or connected with such conduit, main, or line of pipes except for the purpose of solely and exclusively supplying water to the Local Board.

7. The Local Board shall provide the whole of the pipes, valves, and other works and appliances beyond the said borough for conveying the water to and distributing the same throughout the said district of Ossett-cum-Gawthorpe.

8. The corporation shall provide, to the satisfaction of the Local Board or their waterworks committee, in some suitable situation, at a reasonable rent to be paid by the Local Board in case it shall be necessary for the corporation to erect an express building for that purpose, a proper building or place in which the meter or meters can be kept and protected from frost, such building or place to be provided with a strong door and lock with two keys, one to be kept by the Local Board and the other by the corporation or their waterworks committee, and the door shall be kept locked. The corporation shall also provide a drain from the building or place to take off any water which may leak from any meter or valve within such building or place.

9. If from any cause whatever any meter shall cease to indicate correctly the quantity of water passing through it, the corporation shall be entitled to charge for the supply according to the average weekly consumption for the month preceding the date on which such meter was last examined and found in order, and the quantity so ascertained shall be treated and considered as having passed the meter or meters.

10. The corporation's waterworks manager or other person authorised by the corporation or their waterworks committee, or a person authorised by the Local Board, shall at any time or times during reasonable hours have free access to the meter or meters wherever it or they may be placed.

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11. The meter or meters shall be fixed on a separate and distinct supply pipe leading directly from the inlet pipe or cistern of the Batley reservoir, and upon such supply pipe no branch pipe, drawing cock, or other outlet will be permitted.

12. No meter shall be moved or disconnected from the service pipe or main, or in any way altered except by workmen of the corporation, but when any alteration is required immediate attention will be given to applications made at the office of the corporation's waterworks manager.

13. The corporation shall, after fourteen days notice to the Local Board, be at liberty to discontinue the supply of water and to remove the meter during the non-performance or non-observance of all or any of the covenants and agreements herein contained and on the part of the Local Board to be performed and observed.

14. The corporation shall not be responsible to the Local Board for any accidental stoppage of the supply nor for any deficiency of water, but they shall (subject as herein-after mentioned) use their best endeavours to ensure a sufficient and constant supply of water to the Local Board; but this clause shall not abridge or affect the fourth preceding clause so far as it relates to the quantity of water to be from time to time paid for by the Local Board.

15. Provided always, and it is hereby expressly covenanted and declared, that, notwithstanding anything herein contained, this contract or covenant is made and entered into subject to the Local Board obtaining statutory powers in the next session of Parliament to enable them to carry the same into effect, which statutory powers are necessary; and in case such requisite statutory powers are not obtained during the said session this contract or covenant shall be void and of no effect, and the Local Board shall not be liable to any claim or claims for damages or compensation from the corporation. The Local Board, however, shall take or cause to be taken and duly prosecuted proper proceedings for the purpose of obtaining such statutory powers during the next session as aforesaid.

16. Provided also, and it is hereby further expressly covenanted, that this contract or covenant shall be subject to and shall not extend beyond the duties and liabilities of the corporation under "The Batley Corporation Waterworks Act, 1871," and the rights of all persons entitled to a supply of water under the same for the purposes therein mentioned, and nothing herein contained shall bind the corporation to continue to supply water under this covenant or contract to the Local Board in case an application should be made by any person or persons entitled to a supply of water under the said Waterworks Act for an injunction to restrain the corporation from supplying water to the Local Board; and in case any such application shall be made, the corporation shall, so long as any such injunction shall be in force, be at liberty to discontinue the supply of water to the Local Board without being liable to any claim or claims for damages or compensation for so doing from the said Local Board.

17. The Local Board shall indemnify the corporation from and against all claims sustained against the corporation for damages, costs, losses, charges, or expenses to which they may become liable by the acts or defaults of the Local Board, and the Local Board shall also indemnify the corporation from and against all payments for parochial or other rates or taxes to be assessed upon

or in respect of any pipes, conduits, mains, meters, works, or other appliances within the borough of Batley necessary for the said supply of water or any supply of water as aforesaid, and also from and against all claims for damages by reason of the bursting of any pipe or work, or otherwise in connexion with the said supply of water.

As witness the respective common seals of the corporation and the Local Board, and the signatures of five of the members of the Local Board.

Wm. Brooke,
Mayor.

The corporate common seal of the mayor, aldermen, and burgesses of the borough of Batley was hereunto affixed at a meeting of the council of the said borough held on the 5th day of March 1874, in the presence of

L.S.

J. Arthur Deane,
Town Clerk.

The common seal of the Local Board was hereunto affixed at an ordinary meeting of the Board held on the 9th day of March 1874 by Mr. Charles Thornes Phillips, the chairman of the Board, and the several signatures of Messrs. Charles Thornes Phillips, George Radley, Philip Ellis, John Whitaker, and Mark Lockwood, being five of the members of the Local Board, were also at the same meeting hereunto affixed, in the presence of Josh. Stringer, clerk to the Board.

Chas. T. Phillips.
Geo. Radley.
Philip Ellis.
John Whitaker.
Mark Lockwood.

L.S.

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