CHAPTER cxxx.

An Act for dissolving the Rastrick Waterworks Company Limited for re-incorporating the Proprietors therein with others and for conferring Powers on the Company so to be incorporated and for other purposes. A.D. 1889.

[12th August 1889.]

WHEREAS in the year one thousand eight hundred and seventy certain persons formed themselves into a water company under the name of the Rastrick Waterworks Company Limited (herein-after referred to as "the Limited Company") to purchase water and sell and distribute the same within the township and local board district of Rastrick within the parish of Halifax and west riding of the county of York and with the necessary consents within any part adjacent to the said district and within the limits of supply for the time being of the Halifax Corporation Acts and for the above purposes to purchase lease and otherwise to acquire land and to construct a reservoir or reservoirs and other works and appliances as might be thought requisite to receive store and distribute within the said township and district and parts adjacent as aforesaid water to be purchased in bulk solely from the mayor aldermen and burgesses of the borough of Halifax (herein-after in this Act called the "corporation of Halifax") and generally for carrying on the business usually carried on by water companies and such Company was duly registered under the Companies Acts 1862 to 1867:

And whereas the present capital of the Limited Company is six thousand pounds in two thousand shares of three pounds each fully paid up:

And whereas the Limited Company have no mortgage debt:

And whereas the Limited Company have since the year one thousand eight hundred and seventy purchased water in bulk by agreement from the corporation of Halifax and have sold and distributed the water so purchased by them as aforesaid and water

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obtained by them from springs adjacent to their existing works and they are possessed of land a reservoir springs pipes and other works:

And whereas by section 27 of the Halifax Corporation Waterworks Act 1888 it is provided that notwithstanding anything contained in the therein recited Acts or any agreement to the contrary the price for water supplied by the corporation of Halifax to the Limited Company should after the passing of that Act be a fixed charge of fivepence per one thousand gallons:

And whereas under and by virtue of the agreement made between the corporation of Halifax of the one part and the Limited Company of the other part set forth in the schedule to this Act the said corporation have agreed subject to the terms of the said agreement that the said corporation shall cease to supply water except as provided by the said agreement within the township and local board district of Rastrick aforesaid and that so much of section 9 of the Halifax Corporation Waterworks and Improvement Act 1868 as empowers the said corporation to supply water within the said township and local board district should be repealed:

And whereas it is expedient that the said agreement should be confirmed:

And whereas the said township and district have derived great benefit from the water supplied by the Limited Company and inasmuch as the demand for water has increased and is increasing it is expedient that the Limited Company be dissolved and the proprietors therein with others be re-incorporated by this Act and that the Company so re-incorporated (herein-after referred to as "the Company") be empowered to impound take and use water in addition to the water purchased of and supplied by the Halifax Corporation and to construct additional waterworks to raise additional capital and to supply water within the limits herein-after defined in the manner and subject to the conditions by this Act prescribed:

And whereas plans of the land above referred to and plans and sections showing the lines and levels of the works authorised by this Act and also plans of the lands required and which may be taken under the powers of this Act for the purposes of the works by this Act authorised and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are herein-

after respectively referred to as the deposited plans sections and book of reference:

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

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:—

Short title.

1. This Act may be cited as the Rastrick Waterworks Act 1889.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. relating to cancellation and surrender of shares Part II. relating to additional capital and Part III. relating to debenture stock of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or reputed owner of "any such house or of the agent of such owner" so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the works" "the waterworks" and "the undertaking" respectively mean and include the waterworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements thereof which they may construct under the powers of this Act and the lands buildings estate right title property privileges effects and the undertaking of the Company and every part thereof respectively and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or in part incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Corporation of Halifax

4. From and after the passing of this Act and except as is by this Act expressly provided the corporation of Halifax shall cease

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to supply water within the township and local board district of Rastrick in the parish of Halifax and west riding of the county of York and so much of section 9 of the Halifax Corporation Waterworks and Improvement Act 1868 as empowers the corporation of Halifax to supply water within the township and local board district aforesaid is hereby repealed.

to cease to supply water within Rastrick.

Limits of Act.

5. The limits of this Act for the supply of water herein-after referred to as "the limits of this Act" shall be the township and local board district of Rastrick aforesaid.

Dissolution of Limited Company and incorporation of Company.

6. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that company and all other persons and corporations who have already subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of maintaining and constructing waterworks and supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Rastrick Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Present property of Limited Company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the lands waterworks reservoirs aqueducts conduits erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in anywise entitled and all mains and pipes plant hydrants engines plugs meters apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any place or house within the limits of this Act or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing

of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or

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persons acting on behalf of the Limited Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees &c. of Limited Company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of water rates &c.

14. All water rates and rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected

and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before passing of Act.

15. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c to remain in force.

16. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued evidence.

17. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

18. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

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Original capital.

20. The original capital of the Company shall be six thousand pounds and shall consist of capital stock fully paid up (herein-after referred to as "original capital stock").

Original capital stock to vest in registered members of Limited Company.

21. The original capital stock is by this Act vested in the several persons who immediately before the time of vesting were the registered members of the Limited Company in proportion to their respective holdings in and in substitution for their shares in the Limited Company and every portion of stock so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the time of vesting affected the share or shares for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Existing share certificates shall be called in and cancelled and new certificates issued in lieu thereof.

22. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof.

Power to Company to raise additional capital.

23. The Company may from time to time raise in addition to their original capital stock any further capital not exceeding in the whole nine thousand pounds by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole of such stock shall have been paid in respect thereof Provided that not more than one-half of such further capital shall be raised by the issue of preference shares or stock.

New shares or stock to be offered by auction or tender.

24. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions

of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

25. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the Rastrick Local Board and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating in Rastrick.

Shares or stock not sold by auction or tender to be offered to shareholders.

27. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in the manner provided by the Companies Clauses Act 1863 with respect to new shares or stock Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Application of premium arising on

28. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting

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issue of shares or stock.

therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Profits of the Company limited.

29. Subject to the provisions of this Act the Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid proportionately.

30. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

Calls.

31. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any one year upon any share.

Receipt in cases of persons not sui juris.

32. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage in respect of original capital.

33. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of six thousand pounds any sums not exceeding in the whole two thousand pounds.

Power to borrow in respect of additional capital.

34. In addition to the sum of two thousand pounds which the Company are authorised to borrow in respect of the original capital of six thousand pounds they may from time to time borrow on mortgage of the undertaking in respect of the additional capital of nine thousand pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole two thousand two hundred and fifty pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the

justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be raised by shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of mortgages over other debts.

35. All moneys to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

For appointment of a receiver.

36. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

As to conversion of borrowed money into capital.

37. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or

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to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Power to create debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

39. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only to which capital is properly applicable and not otherwise.

First ordinary meeting.

40. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

Number of directors.

41. The number of the directors shall not exceed seven but the Company may from time to time reduce the number provided that the number be not less than five.

Qualification of directors.

42. The qualification of a director shall be the possession in his own right of stock or shares to the amount of fifty pounds paid up.

Quorum.

43. The quorum of a meeting of directors shall be three.

First directors.

44. Robert Thornton Joshua Garside Wilson Alfred Clay Thomas Bottomley Thomas Sheffield and Joshua Bottomley shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act

Election of directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to

supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts not to disqualify for office of director.

45. Any contract to be made with any board corporation or public body under this Act shall not disqualify any of the members of any such board corporation or public body for the office of director but no director being a member of any such board corporation or public body shall vote on any question as to any contract between such board corporation or public body and the Company.

Power to make waterworks.

46. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks herein-after described with all proper embankments filtering beds softening tanks dams sluices channels tanks engines pipes buildings machinery and other works and conveniences connected therewith.

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

1. A reservoir situate wholly in the township of Fixby in parts of three fields called the "Tongue" the "Leys" and the "Sour Ing":

2. A main or inlet pipe commencing in the township of Rastrick by a junction with the existing main of the Limited Company at a point in the New Hey Road opposite the existing service reservoir of the Limited Company thirty-two yards or thereabouts measured in a straight line in a north-westerly direction from the coping of the said existing service reservoir and terminating in the township of Fixby in the reservoir firstly herein-before described at a point in the said field called the Sour Ing one hundred and eighteen yards or thereabouts measured in a straight line in a south-westerly direction from the north-west corner of the said existing service reservoir:

3. A main or outlet pipe situate wholly in the township of Fixby commencing in the said field called the Tongue at a point sixty yards or thereabouts measured in a straight line in a south-westerly direction from the south-west corner of

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the said existing service reservoir and terminating in that reservoir at the south-west corner thereof :

The before-mentioned reservoir mains pipes and other works will pass from through or into or be situate in the townships of Rastrick and Fixby and wholly in the parish of Halifax in the west riding of the county of York.

Power to take lands and waters.

47. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purpose of their waterworks collect impound take use get and appropriate all springs streams and waters intercepted by any of those works and all springs streams and waters found in on or under any of the lands acquired by the Company under the powers of this Act Provided always that nothing contained in this Act shall authorise the Company to diminish the quantity of water which at present flows to Badger Hill Mill.

Limits of lateral and vertical deviation.

48. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet upwards and ten feet downwards Provided that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and two feet in addition.

Period for completion of works.

49. If the works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging altering or renewing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power as to maintenance and renewal of water-works.

50. Subject to the provisions of this Act the Company may from time to time maintain improve and renew or discontinue their existing waterworks upon the lands on which the same are erected or any part thereof and they may also upon the same lands or upon any lands acquired or to be acquired by them erect lay down provide and from time to time maintain improve and renew or discontinue additional waterworks wells cuts shafts mains pipes

engines tunnels meters machinery and other works and apparatus and conveniences in connexion with or in addition to their existing waterworks and may do all such acts as they may think proper for storing and supplying water within the limits of this Act and may store and supply water accordingly.

Limitation of time for compulsory purchase.

51. The powers of the Company for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Prevention and detection of waste.

52. Subject to the provisions of this Act the Company may for the purpose of preventing and detecting waste from time to time affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stopcocks in the pipes supply houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may from time to time for that purpose break up and interfere temporarily with public and private streets roads lanes footways and thoroughfares.

Power to acquire additional lands by agreement.

53. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the undertaking Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to take easements &c. by agreement.

54. 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 Company any easement (not being an easement of water) right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts 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.

Restriction on taking houses of labouring class.

55. The Company shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or

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partially by persons belonging to the labouring class as tenants or lodgers.

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

For the protection of the Lancashire and Yorkshire Railway Company.

56. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (herein-after referred to as "the railway company") shall have full force and effect and be binding upon the Company and their assigns:—

In laying down or in executing the repairs or renewals of any mains pipes or other works of the Company for the supply of water within the limits of this Act (whether now existing or hereafter to be laid down under the powers of this Act) or in the removal or alteration thereof upon across over or under the railways stations tunnels bridges approaches or other works lands or property now or hereafter belonging to or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the railway company and according to such plans and in such manner as shall be previously submitted to and reasonably approved by such engineer and by and at the expense in all things of the Company who shall restore and make good the roads over any bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any works or operations of the Company.

If by reason of any works or proceedings of the Company or their workmen or of the failure leakage or bursting of any works or pipes of the Company in under or near to any tunnel bridge or level crossing of the railway company the said railways tunnels bridges or approaches thereto or any of the works thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the railway company may make good the same and recover the reasonable expense thereof from the Company with full costs by all and the same means as any simple contract debt of like amount is recoverable and the Company shall also make good and repay to the railway company any loss damage

or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works.

Any dispute or difference with respect to the true intent and meaning of this section or with respect to the mode of giving effect thereto shall be settled by an engineer to be appointed (on the application of either party) by the President for the time being of the Institution of Civil Engineers.

Rate at which water is to be supplied for domestic purposes.

57. The Company shall on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at any rate not exceeding the following rates:—

(1.) Where the annual value of the premises supplied does not exceed five pounds at a rate not exceeding twopence per week:

(2.) Where such annual value of the premises exceeds five pounds and does not exceed ten pounds a yearly rate not exceeding eight pounds per centum per annum on the annual value of such house or part of a house:

(3.) Where such annual value exceeds ten pounds and does not exceed twenty pounds a yearly rate not exceeding seven pounds per centum on the amount of such annual value:

(4.) Where such annual value (except as herein-after mentioned) exceeds twenty pounds a yearly rate not exceeding six pounds per centum on the amount of such annual value:

(5.) Provided that all inns and hotels whether public or private shall be liable to a yearly rate not exceeding ten pounds per centum on such annual value whether the same exceeds twenty pounds or not:

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water-rate rent or charge is paid for the whole of such dwelling-house and premises:

For the purposes of this section the annual value shall be the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor:

Provided that where the water rate is chargeable on a part only of any hereditament entered in the valuation list such annual value shall be a fairly apportioned part of the annual value of the whole

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hereditament as ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rate for waterclosets and baths.

58. In addition to the rates chargeable under the preceding section the Company may demand and receive for every watercloset in any house beyond one watercloset any sum not exceeding seven shillings and sixpence per annum and for every bath supplied with water in or belonging to any dwelling-house any sum not exceeding fifteen shillings per annum.

Rate payable by owner for small houses &c.

59. Where the annual value of a house supplied with water does not exceed four pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the next and if necssary any subsequent rent due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice being given to him or left at his dwelling-house to pay the rate.

Constant supply and pressure.

60. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a level or at a pressure above or greater than that to be afforded by gravitation from the existing service reservoir of the Company at Lands.

Power to Company to supply water for other than domestic purposes.

61. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company may think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Company not bound to supply water for trade purposes.

62. Where any part of a dwelling-house is used by the occupier thereof for any trade or business purpose or pursuit for which water is required in addition to the ordinary supply for domestic purposes the Company shall not be bound to supply water to such dwelling-house otherwise than by special agreement.

For preventing the waste or fouling of water.

63. The Company shall not be compelled to supply with water any watercloset or bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamina-

tion of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. A.D. 1889.

Regulations for preventing waste of water.

64. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Confirmation of regulations.

65. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

Regulations subject to provisions of the Public Health Act 1875.

66. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

Publication of regulations.

67. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

68. A printed copy of any such regulations dated and purported to have been made as aforesaid and to have been confirmed

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by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

For enforcing regulations.

69. In case of failure of any person to observe such regulations as are for the time being in force the Company may (notwithstanding any contract or otherwise) if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them summarily.

Disputes to be determined by justices.

70. In the event of any dispute between the Company and any person as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and as to the persons by whom such costs are to be paid shall be final and conclusive.

Company to pay interest on money deposited as security for meters &c.

71. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Notice to Company of putting up meters &c.

72. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be primâ facie evidence.

73. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Fraudulently injuring meters &c.

74. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied he

shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Notice before entry.

75. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry:

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry:

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry:

And for the purpose of this section any person receiving the rackrent of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Several sums in one warrant.

76. 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 sums.

Costs of distress.

77. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

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Liability to rates not to disqualify justices.

78. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Incoming tenant not liable for arrears.

79. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent meter rent rate or charge left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Company not bound to supply several houses by one pipe.

80. The Company shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid into each house supplied by them with water.

Where several houses supplied by one pipe each to pay.

81. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to pay if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Supply of water to tenements in a row.

82. Where there is a pair of tenements or there are several tenements in a row or group 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 Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water.

Notice of discontinuance.

83. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Penalties not cumulative.

84. Penalties imposed by several Acts for one and the same offence shall not be cumulative and for this purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Confirmation of agreement.

85. The agreement made between the mayor aldermen and burgesses of the borough of Halifax and the Rastrick Waterworks Company Limited as set forth in the schedule to this Act is hereby confirmed and shall be binding upon the corporation of Halifax and upon the Company.

Company to sell undertaking on

86. The local board for the district of Rastrick in the parish of Halifax and west riding of the county of York (herein-after in this Act called "the local board") shall with the approval of the

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requisition of Rastrick Local Board.

Local Government Board have the right to purchase at any time prior to the first day of January one thousand eight hundred and ninety-one at or for the price of fifteen thousand two hundred and fifty pounds the undertaking property rights powers and privileges of the Company subject to the terms and conditions following (that is to say) :—

(1.) The local board shall give to the Company one month's previous notice in writing under the hand of their clerk addressed to the secretary of the Company of their intention to purchase and such notice shall state the date (such date being prior to the first day of January one thousand eight hundred and ninety-one and being on one of the following days namely the thirty-first day of December one thousand eight hundred and eighty-nine the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December one thousand eight hundred and ninety) when the local board will be prepared to pay the purchase money and complete the purchase.

(2.) The sale shall comprise the undertaking reservoir lands buildings meter houses tanks mains pipes services meters plant works tools implements screw cocks connexions ferrules stop cocks and other apparatus powers rights and privileges belonging to the Company but not the stock in trade of water pipes and fittings for sale The sale shall also include all the rights and interests of the Company in or under the agreement confirmed by and set forth in the schedule to this Act and all and singular other the contracts and engagements entered into with and orders given to the Company and the full benefit and advantage thereof.

(3.) The sale shall not comprise any funds rates arrears of water rents or other money belonging or payable to or standing to the credit of the Company on or up to the payment of the purchase money and the same funds rates rents and money shall belong to and be recoverable by the Company and shall be retained and be applied by them as they think fit.

(4.) The Company shall pay and satisfy all unpaid purchase moneys payable under contracts with John Taylor the secretary of the Company and the trustees of William Capel Clarke Thornhill and the sale of the undertaking shall be as between the Company and the local board free from all mortgages charges and incumbrances whatsoever.

(5.) The local board on payment of the said sum of fifteen thousand two hundred and fifty pounds shall enter into possession of the undertaking.

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(6.) If at any time prior to the first day of January one thousand eight hundred and ninety-one the Company shall be called upon or obliged under their statutory obligations to extend their service pipes in order to afford additional supplies of water and shall do so the local board shall on completion of the purchase repay to the Company the cost price of purchasing and laying down the pipes and apparatus necessary for that purpose.

(7.) The Company shall pending the completion of the purchase effectively maintain and uphold their undertaking in its present state of efficiency and repair.

(8.) The Company and all other necessary parties (if any) will execute all proper conveyances and assignments of the said undertaking such conveyances and assignments to be prepared and completed by and at the expense of the local board but to be perused and executed by the conveying parties at the cost of the Company.

Providing for completion of sale, &c. to local board.

87. On the payment of the purchase money of fifteen thousand two hundred and fifty pounds to the Company by the local board the Company shall hand to the local board a deed under their seal which being duly stamped on the ad valorem scale applicable to the amount of the consideration money at the expense of the local board and having a receipt for the consideration under the hands of three directors endorsed thereon shall operate to and shall by virtue of this Act transfer to the local board all the undertaking powers rights authorities property estates and privileges of the Company so to be sold as aforesaid and the same shall thenceforth be exercised and held by the local board subject to their powers and obligations under the Public Health Act 1875 and as if the purposes of this Act were purposes of the Public Health Act 1875 and thereupon this Act shall be read and have effect as if the local board had been named therein instead of the Company except where the context is repugnant to such meaning subject nevertheless to all the provisions conditions and restrictions contained in this Act (and which in the event of such purchase shall be deemed to be in addition to any powers conferred on the local board by the operation of any Act of Parliament affecting them) and subject and according to the following exceptions and provisions :—

(1.) The provisions of the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 incorporated with this Act shall not apply to the local board :

(2.) None of the provisions of this Act in any manner relating to the constitution management capital profits or meetings of the Company shall apply to the local board:

Within three months after the execution of any such deed as aforesaid the local board shall produce such deed to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the payment of the purchase money shall be recoverable from the local board with full costs of suit and all costs and charges attending the same.

Receipt of Company to be effectual discharge for purchase money.

88. Such deed and receipt as aforesaid shall effectually discharge the local board from the sum which shall be thereby acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Power to local board to borrow for purpose of purchase of the undertaking.

89. The local board may if they make such purchase as aforesaid for the purpose of paying the said purchase money and the costs charges and expenses of and incident to the said transfer the costs charges and expenses preliminary to and of and incidental to the opposition of the local board to the Bill for this Act and for the other purposes of this Act exercise subject to the provisions of the Public Health Act 1875 all the powers of borrowing which they possess under that Act as if such purposes were purposes of that Act and all the provisions of that Act with respect to borrowing re-borrowing and repayment of moneys borrowed formation of sinking fund and audit shall apply accordingly.

Annual return to Local Government Board with respect to sinking

90. The clerk to the local board shall within twenty-one days after the first day of January of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof has 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

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pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the local board have failed to pay any instalment or to set aside the sum required for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Division of purchase money.

91. The purchase money of fifteen thousand two hundred and fifty pounds shall be paid into such bank as the directors for the time being of the Company shall appoint to the account of the Company and failing such appointment to the account of the Company with the Brighouse Branch of the Halifax Commercial Banking Company Limited and shall be applied by the directors in the manner following :—

(1stly.) In discharging all outstanding debts and liabilities of the Company :

(2ndly.) In making a fair rateable division of the residue thereof amongst the holders of the shares or stock of the Company in proportion to their respective interests in the undertaking of the Company and according to their respective legal rights and priorities.

Providing for dissolution of the Company.

92. When and so soon as the purchase money shall have been appropriated and divided in manner herein-before directed the Company shall be by virtue of this Act dissolved.

If purchase not completed &c. Company discharged from liability to sell.

93. If from any cause whatsoever other than the default of the Company the purchase money of fifteen thousand two hundred and fifty pounds be not paid by the local board to the Company on or before the thirty-first day of December one thousand eight hundred and ninety the liability of the Company to sell their undertaking to the local board shall altogether cease and thereafter the Company shall carry on the same for their benefit discharged from any such liability.

Payment into court by Company.

94. If at the expiration of twelve months from the date of the purchase any moneys which ought to be paid to the shareholders of the Company shall remain in the hands of the directors thereof

either by reason of the absence from Great Britain or Ireland or incapacity of any shareholder or of his executors administrators or assigns or on account of his residence or place of abode not having been ascertained by the Company after reasonable inquiry or on account of the Company being in doubt as to the true legal ownership of any shares or of any money distributable under this Act or as to the sufficiency of any acquittance or discharge proposed to be given to them in respect thereof or on account of any other reasonable cause the directors may pay the same into the Chancery Division of the High Court of Justice in England under any Act for the time being in force for the relief of trustees previously deducting therefrom the costs of and incidental to such payment into court such costs to be ascertained by one of the taxing masters of the said court.

Expenses of Act.

95. All the costs charges and expenses of the Company of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and not by the local board.

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SCHEDULE referred to in the foregoing Act.

AN AGREEMENT made the tenth day of December one thousand eight hundred and eighty-eight between the MAYOR ALDERMEN and BURGESSES of the BOROUGH of HALIFAX herein-after called "the CORPORATION" of the first part and the RASTRICK WATERWORKS COMPANY LIMITED herein-after called "the LIMITED COMPANY" of the second part WHEREAS on or about the third day of August one thousand eight hundred and seventy certain articles of agreement as to the supply of water in the township of Rastrick in the county of York were entered into by the Corporation and the Limited Company AND WHEREAS by section 27 of the Halifax Corporation Waterworks Act 1888 it is enacted that the price for water to the Limited Company shall be a fixed charge of five-pence per one thousand gallons AND WHEREAS the Company are promoting a Bill in Parliament by which it is proposed to dissolve the Limited Company and to incorporate a new company and to vest in the new company all the undertaking rights easements moneys securities and credits of the Limited Company and to confer upon the new company the right to supply water within the township and local board district of Rastrick and it is intended by the Bill to confer on the new company all powers rights and authorities necessary for carrying the said objects into effect and to vary or extinguish all rights and privileges which would in any manner interfere with those objects AND WHEREAS for the purposes aforesaid it will be necessary to repeal certain portions of the Acts of Parliament relating to the Corporation waterworks and particularly so much of section 9 of the Halifax Corporation Waterworks and Improvement Act 1868 as empowers the Corporation to supply water within the township of Rastrick AND WHEREAS in order to obviate all opposition by the Corporation to the said Bill and for the other purposes herein appearing the Corporation and the Limited Company have agreed to enter into the agreements herein-after contained AND WHEREAS in this agreement the words "the Limited Company" are intended to include the new company to be incorporated by the said Bill NOW THEREFORE THESE PRESENTS WITNESS that for the considerations herein appearing it is hereby mutually agreed by and between the Corporation and the Limited Company as follows (that is to say):—

1. From and after the passing of the said Bill into an Act the said agreement of the third day of August one thousand eight hundred and seventy shall determine and come to an end but without prejudice to all rights liabilities claims and demands thereunder up to that date.

2. From and after the same period so much water as the Limited Company shall require in addition to their other sources of supply for the purpose of supplying the said township of Rastrick with water shall be supplied by the Corporation to the Limited Company and purchased by the Limited Company

subject nevertheless to the provisions of clause 5 of this agreement from the Corporation at the price of fivepence per one thousand gallons.

3. The Limited Company shall give to the Corporation two months notice of their intention to take water under this agreement and at the same time shall state the quantity of water which the Corporation shall be required to supply to the Limited Company and the Limited Company be bound to take for the remainder of the then current year.

4. From and after the time when the Corporation shall have commenced such supply the Limited Company shall before the end of the current and every subsequent year fix the maximum and minimum quantity of water which the Corporation shall be required to supply weekly in the then following year such minimum quantity being not less than one-half of the maximum and the Corporation shall not be bound to supply in any week more than the fixed maximum quantity but if and when any excess shall be delivered by the Corporation to the Limited Company through the meter mentioned in clause 11 of this agreement such excess shall be paid for at the same rate provided that the minimum supply shall in no case be less than seventy-five thousand gallons per diem as the daily average in any one week.

5. The Limited Company may construct new waterworks and reservoirs and may take collect and divert into such reservoirs and therein impound use and thence distribute all the waters (except such quantity of water as at present flows to Badger Hill Mill) within or upon the lands within the limits of deviation shown upon the plans deposited by the Company in the present session of Parliament but the Limited Company shall not by mining or any other means outside the said limits of deviation enlarge the present flow of the said waters.

6. The powers conferred on the Limited Company by the Bill to supply water to the township of Rastrick shall not abridge or vary the powers and rights of the Corporation to lay down mains and other appliances through the said township of Rastrick for the supply of other districts or persons beyond the said township of Rastrick.

7. The Corporation having at their own expense provided and laid a certain main pipe and other appliances necessary for conveying and measuring water under pressure from the Albert Reservoir of the Corporation to the boundary of the borough at or near Stump Cross and thence to a place at or near Hove Edge within the township of Hipperholme-cum-Brighouse and having at the like cost and expense provided and laid down another main pipe in connexion with the last-mentioned main pipe at the said place at or near Hove Edge of sufficient capacity to deliver the quantity of water required by the Limited Company to be laid in and under the highway formerly the Brighouse and Denholme Gate turnpike road thence through the district of the local board of Brighouse to the boundary of the township of Rastrick at Bridge End the Limited Company shall pay to the Corporation a sum equal to six pounds per centum per annum upon the costs or a proportionate part of the costs incurred by the Corporation in providing and laying the said last-mentioned main pipe and also the annual cost or a proportionate part of maintaining such main pipe and other appliances together with a further sum equal to the amount or a

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proportionate part of all local rates which may from time to time be payable and paid by the Corporation in respect of such main pipe and other appliances.

8. The like rate of interest annual and other charges and rates in respect of the main pipe between the boundary of the borough at Stump Cross and the junction of the said main pipe at the said place at or near Hove Edge shall be paid to the Corporation annually on the first day of January in each year by the Limited Company and the several local board districts persons and authorities from time to time receiving water through the last-mentioned main rateably according to the annual water rent payable to the Corporation from the Limited Company and each of such local boards persons or authorities respectively Provided always and it is hereby agreed between the Corporation and the Limited Company that if and when the Corporation or any other authority or persons shall take a water supply to any district or premises other than the districts of Hipperholme Brighouse and Rastrick respectively through the said main pipes or either of them then and in such case the interest and annual and other charges payable to the Corporation in respect of both of the said mains and other appliances as aforesaid shall be further apportioned between the Limited Company and the local boards and persons taking water through the said main pipes as the case may be according to the annual water rent payable to and received by the Corporation from the Limited Company and each such local board or other persons respectively using the said mains And the Corporation shall until a valid and binding agreement be entered into between the parties hereto and the authorities of those new districts taking water through such main pipes and appliances as aforesaid allow to the Limited Company a proportionate reduction in such interest and annual charges as aforesaid in such and the same manner as if the authorities of those new districts had been originally parties to this agreement.

9. In the event of the Limited Company supplying water beyond the district of the township of Rastrick the following terms and conditions shall be observed:—

(*a*) Such supply in all cases to be measured by approved water meters to be fixed within the immediate boundary of the township of Rastrick in the road or in some convenient building adjoining thereto.

(*b*) The Corporation and the Limited Company to have free access to such meters.

(*c*) Separate accounts to be kept by the Limited Company of the quantity of water delivered by each of such meters to be taken monthly.

(*d*) No water to be supplied nor any meter put down by the Limited Company without the previous consent of the Corporation to be signified in writing under the hand of the town clerk to whom all applications are to be made for submission to the Corporation Waterworks Committee.

(*e*) The Corporation will in no case be at the cost of the mains or meters required for such delivery.

(*f*) The price to be charged by the Limited Company for water so delivered shall in no case be less than fifty per centum in excess of the scale of charges for water sold for trade purposes within the borough of Halifax and shall be sold subject to the same conditions for determining the supply

and in all other respects as water is so sold by the Corporation within the borough of Halifax.

(*g*) The Limited Company to pay quarterly to the Corporation sixpence per one thousand gallons free of all charges whatsoever for any water which may be supplied to the Limited Company under this agreement for use outside the township of Rastrick as indicated by the special meter or meters and in addition one half the excess of the water rent or charges for all such water supplied outside the said township after deducting sixpence per one thousand gallons as the first cost of the water.

(*h*) The prices from time to time charged by the Corporation for water for trade purposes shall without requiring special notice from the Corporation of such charges regulate the above scale of charges to be paid by the Limited Company to the Corporation if such prices be adopted by the Limited Company.

10. The sums of money which may from time to time become payable by the Limited Company to the Corporation under this agreement shall except where otherwise provided be considered as becoming due by the Limited Company to the Corporation by four quarterly payments in every year namely on the first day of January the first day of April the first day of July and the first day of October in each year and if such sums are not duly paid the same shall carry interest at the rate of five pounds per centum per annum until payment and the same quarterly payments at interest may be recovered by the Corporation from the Limited Company in any court of competent jurisdiction.

11. All the water which may be so supplied as aforesaid shall be measured by an approved stationary meter or meters to be provided and maintained by the Corporation at Bridge End or elsewhere within the township of Rastrick and the Limited Company shall in addition to the rents and charges herein-before referred to and on the days and times referred to pay to the Corporation interest after the rate of six pounds per centum per annum upon the sums expended and for the purchase and maintenance of the said meter or meters.

12. In case of difference or dispute as to the sum or sums of money at any time payable to or claimed by the Corporation from the Limited Company under this agreement the same shall be settled by arbitration under the provisions for arbitration of the Public Health Act 1875.

13. If at any time the Limited Company shall be in arrear in payment of any of the sums of money hereby covenanted to be paid for the space of twenty-one days after demand made in writing (or partly in writing and partly in print) by the town clerk of the borough of Halifax or the collector for the time being of the rents and rates of the Corporation and served upon the chairman of the Limited Company by letter sent through the post office and addressed to him at the offices of the Limited Company the Corporation may at any time thereafter without prejudice to their right to sue for the sum or sums of money so in arrear appoint one or more person or persons to receive and collect the whole or a competent part of the water rents then due and thereafter to become due and payable to the Limited Company for water supply until such moneys so in arrear including the costs of collecting and receiving the same be fully paid and satisfied.

A.D. 1889.

14. So much of the Halifax Acts of Parliament as at present authorise the Corporation to supply water in Rastrick shall be repealed except so far as may be necessary to give effect to this agreement.

15. This agreement is in all respects subject to such alterations as Parliament may think fit to make therein and is also conditional upon the said Bill being passed and if the same be not passed this agreement shall in no way interfere with the said agreement of the third day of August one thousand eight hundred and seventy and the statutory ratification thereof.

As witness the corporate common seal of the borough of Halifax and the common seal of the Rastrick Waterworks Company Limited.

The corporate common seal of the borough of Halifax was affixed hereto in the presence of

L.S.

JAMES W. DAVIS
Deputy Mayor.

The common seal of the Rastrick Waterworks Company Limited and the signature of Robert Thornton chairman of the said Company were affixed hereto in the presence of

L.S.

ROBERT THORNTON
Chairman.

JOSEPH OLIVER
Solicitor
Brighouse
Yorkshire.

JOHN TAYLOR
Secretary of the Company.

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