CHAPTER cxcviii.

An Act to make provision for empowering the Corporation of the Borough of Wakefield, in the West Riding of the County of York, to acquire the Undertaking of the Wakefield Waterworks Company, to make new Streets, to erect a Town Hall and Municipal Buildings, and for extending the powers of the Corporation with respect to the Local Government and Improvement of the Borough, and the raising of moneys; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS the borough of Wakefield (in this Act referred to as "the borough"), in the west riding of the county of York, is a municipal borough subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas by a Provisional Order of the General Board of Health, bearing date the 20th day of November 1852, confirmed by "The Public Health Supplemental Act, 1853 (No. 1)," certain parts of the Local Acts affecting the said borough, and in such Provisional Order specified, were repealed, and the unrepealed parts of the said Local Acts were incorporated with "The Public Health Act, 1848," and as incorporated the same and the said "Public Health Act, 1848," (in this Act referred to as "the Local Acts,") were declared to be applicable to and in force within the borough:

And whereas the Corporation, by the council of the borough, are the sanitary authority for the district of the borough under "The Public Health Act, 1875," having all the powers and authorities of an urban sanitary authority accordingly:

And whereas the Wakefield Waterworks Company are supplying water within the borough, and places adjacent thereto, under

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"The Wakefield Waterworks Act, 1862," and the Acts affecting and amending the same:

And whereas it is expedient that the Corporation should exercise the powers now vested in the said Company with respect to the supply of water, and that for such purposes the agreement set forth in the First Schedule to this Act annexed, and made between the said Company and the Corporation, for the transfer to the Corporation of the undertaking of the Company, and of the said powers, should be confirmed, and that in respect thereto provisions should be made such as are in this Act contained:

And whereas it is expedient that powers should be conferred upon the Corporation for the construction of new streets:

And whereas it is expedient that the Corporation should be authorised to erect a new Town Hall, borough court, municipal and police buildings, with all necessary conveniences:

And whereas it is expedient that the powers herein-after contained should be granted to the Corporation for the acquisition of lands, the borrowing of money, and the improving and better governing of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the several purposes of this Act, and such estimates are as follows; (namely,)

With respect to the purchase of the undertaking of the Wakefield Waterworks Company, two hundred and ten thousand pounds;

With respect to the new streets, one thousand pounds;

With respect to the Town Hall, borough court, municipal and police buildings, eighty thousand pounds;

and those several purposes are permanent works within the meaning of section 234 of "The Public Health Act, 1875":

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the west riding of the

county of York, and are in this Act referred to as the deposited plans, sections, and book of reference:

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

PART I.—Preliminary.

Short title.

1. This Act may be cited as "The Wakefield Improvement Act, 1877."

Incorporation of Acts.

2. The following Acts, so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act; (that is to say,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869."

Interpretation.

3. In this Act—

"Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the regulation of "municipal corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England and Wales;

"Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same;

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

"The district fund" and "the general district rates" mean respectively the district fund and general district rates for the district of the borough;

"The Company" means the Wakefield Waterworks Company;

"Undertaking" means, with respect to the Company, the waterworks and works connected therewith, and all property, real and personal, of the Company, and all easements, rights, powers, authorities, and privileges enjoyed or exerciseable by the Company under their special Act or otherwise;

"Special Act" means, with respect to the Company, "The Wakefield Waterworks Act, 1862," as amended by "The Wakefield Waterworks Act, 1873," "The Wakefield Waterworks Act, 1874," and "The Wakefield Waterworks Act, 1876;"

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"Lands" includes messuages, buildings, lands, easements, and hereditaments of any tenure;

"Owner" has the meaning assigned thereto in section 4 of "The Public Health Act, 1875;"

The expression "the surveyor" shall mean the surveyor of the borough, and shall include any person for the time being duly authorised to act as such surveyor;

The expression "the inspector of nuisances" shall mean the inspector of nuisances of the borough, and shall include any person for the time being duly authorised to act as such inspector;

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the terms "superior courts" or "court of competent jurisdiction," or any other like term, shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt, and not a debt or demand created by statute.

Act to be executed by council.

4. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts, Public Health Acts, and Local Acts respectively for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation or on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporations Acts, Public Health Acts, and Local Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts, Public Health Acts, and Local Acts respectively.

PART II.—Purchase of Undertaking of the Wakefield Waterworks Company.

Purchase of undertaking of the Company.

5. The agreement set forth in the First Schedule to this Act shall be and the same, except as varied by this Act, is hereby con-

firmed, and the Company shall convey to the Corporation the undertaking and all the works, property, books, plans, documents, and rights of the Company (except the register of shareholders and the register of transfers, and the seal of the Company, to which, nevertheless, the Corporation shall have access), subject to the payment of all the debts and liabilities of the Company, or other the liabilities taken over by the said agreement, and to the payment, observance, and performance by the Corporation of the mortgages, sums of money, costs, obligations, indemnities, covenants, conditions, and agreements mentioned or referred to in the same agreement, in consideration of the payment by the Corporation to the Company of the clear aggregate sum of one hundred and sixty-four thousand nine hundred and four pounds, without any deduction whatever for distribution, in accordance with the seventh article of the said agreement, by the directors of the Company amongst their shareholders; and the execution of a conveyance by the Company under their common seal of their lands, works, property, rights, and undertaking (except as aforesaid) shall be sufficient to vest the same for all the estate, right, title, and interest of the Company therein, and all incidental rights, privileges, and easements in the Corporation; and the receipt of three of such directors for such said aggregate amount of one hundred and sixty-four thousand nine hundred and four pounds as the purchase money for the said undertaking endorsed upon the deed of conveyance shall be a sufficient discharge for the same to the Corporation, and the Corporation shall not be bound to see to the distribution of such moneys, or be answerable for the misapplication or non-application thereof: Provided always, that, notwithstanding such conveyance and receipt for the purchase money as aforesaid, the Corporation shall remain liable for the due and punctual payment of all the debts and liabilities of the Company, or other the liabilities taken over by the said agreement, and the payment, observance, and performance of all the other costs, sums of money, including the mortgages of the Company, and other obligations, indemnities, covenants, and agreements mentioned or referred to in the said agreement, and thereby agreed to be paid, observed, and performed by the Corporation as if such conveyance had not been made.

Company may accept mortgages, debentures, debenture stock, or annuity certificates in lieu of cash.

6. The directors of the Company, with the consent in writing of such of their shareholders as shall be willing to accept mortgages, debentures, debenture stock, or annuity certificates at par wholly or in part satisfaction of their respective shares of the said aggregate amount of one hundred and sixty-four thousand nine

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hundred and four pounds, may agree with the Corporation to receive mortgages, debentures, debenture stock, or annuity certificates to such total amount as may be so agreed upon, and in convenient amounts for distribution amongst those shareholders who may have consented to accept the same, which mortgages, debentures, debenture stock, and annuity certificates shall be made and issued and granted by the Corporation in the manner by this Act prescribed; and in such case the receipt to be endorsed on the deed of conveyance shall distinguish between such portion of the said sum of one hundred and sixty-four thousand nine hundred and four pounds as shall be paid in cash from that which shall be paid by the mortgages, debentures, debenture stock, or annuity certificates.

Application of purchase money.

7. The Company shall stand possessed of the money and mortgages, debentures, debenture stock, and annuity certificates (if any) which shall be paid and given by the Corporation for the purchase of the undertaking, and of all other moneys (if any) belonging to the Company, upon trust to divide and distribute the same between the several persons who shall at the time of passing this Act be shareholders in the Company, and their respective executors, administrators, or assigns, rateably and in proportion to their respective shares in the capital of the Company, and the nominal amount thereof respectively, so that each shareholder shall have the clear net amount for his shares provided by the agreement set forth in the First Schedule, and the directors of the Company may exercise all powers necessary for distributing the assets, and winding up the affairs of the Company, and the costs of such winding up and distribution shall be borne by the Corporation.

Persons whose names appear in the sealed register of shareholders to be deemed such until the contrary be proved.

8. The several persons whose names shall appear in the last sealed register of the shareholders of the Company, sealed at the last ordinary general meeting of the Company held prior to the passing of this Act, to be shareholders therein shall, unless the contrary be proved to the satisfaction of the directors of the Company, be considered to be shareholders of the Company for the purposes of the distribution of the purchase money for the undertaking, and the interest payable in respect thereof, until the same shall have been paid by the Corporation.

Receipt of executors, &c. of shareholders to discharge Company.

9. The receipt of any committee or guardian of any shareholder in the Company who shall be an idiot, lunatic, or minor shall be an effectual discharge to the Company, and to the directors thereof, for so much of the purchase moneys, including the aforesaid mortgages, debentures, debenture stock, annuity certificates, or other moneys,

as in such receipts shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money as shall be paid, or such mortgages, debentures, debenture stock, or annuity certificates shall be given.

Provision in case of absence of shareholders.

10. If the Company be unable for twelve months from the date of the said conveyance of the undertaking of the Company to the Corporation, by reason of the death, absence from Great Britain, or of the incapacity of or the refusal to give a receipt by any shareholder, his executors, administrators, or assigns, or from the place of abode of any shareholder, or of his executors, administrators, or assigns, not being after reasonable inquiry ascertainable by the Company, to pay or deliver to such shareholder, or his executors, administrators, or assigns, any sum of money, or give over to him or them any such deed or certificate of mortgage, debenture, debenture stock, or annuity as aforesaid which shall be payable, or which ought to be given over to him or them by the Company under the provisions of this Act, then and in every such case the Company shall from time to time, according to the provisions of any Act for the time being in force authorising the payment into the Chancery Division of the High Court of Justice of trust moneys, pay into or deliver up to that Court all moneys and mortgages, debentures, debenture stock, and annuity certificates which according to this Act ought to be paid or delivered over by the Company to him or them, and such payment and delivery shall be deemed to be payment and delivery by the Company to him or them, and he or they shall be entitled to obtain, according to the provisions of any such Act, payment of such money or re-delivery of such mortgage, debentures, debenture stock, and annuity certificates out of that Court to him or them.

Company to be dissolved.

11. When and so soon as the assets of the Company shall have been distributed in manner aforesaid, and their affairs wound up, the Company shall be dissolved, and the several Acts relating to the Wakefield Waterworks Company shall from that time be deemed to be repealed, but without prejudice to any act, deed, matter, or thing done or executed, or any right or privilege acquired under or by virtue or in consequence thereof, which shall remain as good and valid as if such Acts were still unrepealed: Provided always, that the Corporation may continue to exercise all the powers, authorities, and privileges conferred upon the Company by such Acts, or any of them, with respect to the obtaining and supplying of water and receiving rents or rates for such supply, so far as such powers, authorities, and privileges are still subsisting and not varied or repealed by this Act, as if this Act had not been passed, and such

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powers, authorities, and privileges had been conferred by Parliament upon the Corporation instead of the Company.

Upon payment of purchase money and execution of conveyance waterworks to vest in Board.

12. Immediately upon payment to the directors of the Company of the said aggregate sum of one hundred and sixty-four thousand nine hundred and four pounds, whether the same be made wholly or partially in cash, or wholly or partially by mortgages, debentures, debenture stock, or annuity certificates of the Corporation, as the purchase money for the said undertaking, the Company shall execute, under their common seal, a deed of conveyance of the waterworks, lands, property, and undertaking of the Company to the Corporation, and thereupon the waterworks, land, property, and undertaking, and all the rights and privileges of the Company under the Wakefield Waterworks Acts, 1862, 1873, 1874, and 1876, or otherwise, shall by virtue of such deed and of this Act become vested in the Corporation for all the estate and interest of the Company therein as from the thirtieth day of June one thousand eight hundred and seventy-six, and the waterworks shall thenceforth be carried on by and in the name of the Corporation, and the Company shall cease to supply or to be compellable to supply water.

Actions, &c. not to abate.

13. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company shall abate or be discontinued or be prejudicially affected by reason of the passing of this Act, but the same shall continue and take effect in favour of or against the Company in the same manner in all respects as the same would have continued and taken effect in relation to the Company if this Act had not been passed, but so far as by the agreement set forth in the First Schedule the Corporation may have become liable to indemnify the Company against the same, the name of the Corporation may be substituted for that of the Company.

Corporation may bring or defend actions, &c. in name of the Company.

14. From and immediately after the passing of this Act, the Corporation from time to time, either in their own name or in the name of the Company, in such manner and on such terms as they shall think fit, but at the sole expense of the Corporation, and in the event of the name of the Company being used, then on condition of the Corporation indemnifying the Company and the directors and officers thereof from all costs, charges, and liabilities incurred thereby or arising thereout, may prosecute, defend, compromise, or deal with any action, suit, or other legal proceedings now pending by or against the Company, and may defend, compromise, or deal with any action, suit, or other legal proceedings

hereafter instituted against the Company, and may institute, prosecute, compromise, or deal with any action, suit, or other legal proceeding which may be thought by the Corporation necessary or expedient to be brought, defended, or taken with respect to all or any part of the estate or property, rights, or privileges intended to be vested in the Corporation under or by virtue of the agreement set forth in the First Schedule to this Act: Provided always, that this present provision shall not affect the conduct of the suit mentioned in clause 6 of the said agreement.

Mortgages, &c. of Wakefield Waterworks Company to continue a first charge on their undertaking.

15. All debts secured by mortgage or bond on the undertaking of the Wakefield Waterworks Company shall on and from the transfer become debts of the Corporation, and such debts and the interest accruing thereon, after such transfer as aforesaid, shall continue to be a first charge on such undertaking in the hands of the Corporation, and shall be a charge on the district fund and general district rates, subject to all charges affecting the same subsisting at the time of the transfer.

Documents, &c. to continue as evidence.

16. All books and documents which, if the transfer had not been made, would have been evidence in respect of any matter for or against the Wakefield Waterworks Company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

As to existing agreement between the Company and the Committee of Visitors of the West Riding Pauper Lunatic Asylum.

17. Nothing in this Act contained shall prejudice, alter, or interfere with the agreement made the fifth day of May one thousand eight hundred and seventy-six between the Company and the Committee of Visitors of the West Riding Pauper Lunatic Asylum with respect to the supply of water to the asylum, but that agreement shall, in case the works authorised by "The Wakefield Waterworks Act, 1876," be constructed, be binding on the Corporation and carried into execution accordingly: Provided that if those works shall by authority of Parliament be abandoned, and another scheme for supply of water substituted therefor, the Corporation shall as part of that scheme construct a reservoir at an elevation not less than that of the Chevet Reservoir authorised by "The Wakefield Waterworks Act, 1876," and shall supply water by direct pressure therefrom to the said West Riding Pauper Lunatic Asylum in accordance with the terms of the last-mentioned agreement, and that agreement shall, mutatis mutandis, extend and apply to the substituted reservoirs and the supply of water therefrom, and to the Corporation and the committee.

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PART III.—New Streets.

Power to make new streets and improvements.

18. Subject to the provisions of this Act and to the powers of deviation hereby given, the Corporation may, if they think fit, in the lines and situation, and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the new streets following; (that is to say,)

(1.) A new street commencing on the south side of Wood Street at a point adjoining the entrance to the yard belonging to the West Riding Sessions House, and terminating on the north side of King Street at a point 44 yards or thereabouts, measured in an easterly direction along King Street, from the junction of Cliffe Parade with King Street:

(2.) A new street commencing on the south side of Wood Street, at a point adjoining the western boundary wall of the Mechanics Institute and Music Saloon, and terminating on the north side of King Street at a point 28 yards or thereabouts, measured in a westerly direction along King Street, from the junction of Chancery Lane with King Street, together with all necessary and proper roadways, footways, approaches, drains, culverts, and other works connected therewith.

Power to stop up parts of certain streets.

19. The Corporation may stop up so much of the street or road called George and Crown Yard or Tammy Hall Street within the borough as lies between Cliffe Parade and the site of the proposed new street in the next preceding section lastly described, and all rights of way over the same shall be extinguished: Provided that such part of the street or road called George and Crown Yard or Tammy Hall Street as lies between Cliffe Parade and the proposed new street, being work No. 1 by the next preceding section of this Act authorised, shall be kept open for use by the Corporation and the justices of the west riding of the county of York (herein-after called the justices) by themselves and all other persons as a means of access for all purposes to the Corporation property and the West Riding Court House and other buildings connected therewith, and shall be maintained and kept in repair by and at the joint and equal expense of the Corporation and the justices, and gates shall be affixed at each end of such street or road at the like expense, and keys of such gates shall be kept by the Corporation and the justices respectively, and the justices and all other persons as

aforesaid shall at all times have free access to and free user of the said street so to be made and maintained by the Corporation accordingly.

Not to interfere with rights of west riding justices.

20. Nothing in this Act contained shall take away, alter, lessen, or interfere with the existing rights, privileges, powers, authorities, or easements of the justices, or of the person or persons in whom the said West Riding Court House is or shall be vested.

Power to make subsidiary works.

21. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the said works and improvements by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said new streets, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said new streets, or any of them, or of crossing under or over the same, or any of them, or otherwise.

Power of deviation.

22. In making the said new streets the Corporation may deviate vertically to any extent not exceeding two feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Period for completion of works.

23. The new streets by this Act authorised to be constructed shall be completed within seven years from the passing of this Act, and on the expiration of such period the powers by this Act granted to the Corporation for making the said new streets, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Power to alter and divert sewers, &c.

24. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains, and pipes which they find it necessary or convenient for any of the purposes of the new streets herein-before authorised so to interfere with, making to all persons who sustain any damage thereby compensation in that behalf, such compensation in case of dispute to be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

Alterations consequent on changing

25. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise

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levels of streets to be made at expense of Corporation.

changed, or any alteration of any step, door, or entrance into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street is rendered necessary, the alteration shall be made by and at the expense of the Corporation out of the moneys applicable under this Act to new streets.

Damage to buildings to be compensated for by Corporation.

26. Where by reason of the alteration of the level of any street by this Act authorised any house, building, or premises be damaged, or otherwise injuriously affected, the Corporation shall, out of the moneys applicable under this Act to new streets, make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as shall be agreed on between the owner and occupier and the Corporation, or failing their agreement such compensation as shall be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

Alterations of gas and water pipes, &c.

27. In executing any works by this Act authorised, the Corporation may raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Streets disused vested in Corporation for sale.

28. Where any street or ground abutting on any street, and dedicated to public use or open to the passage of the public, becomes in consequence of any work affected by the Corporation under the powers of this Act, and shown on the deposited plans, no longer required for public use, or for approach to any property adjoining thereto, the same is hereby vested in the Corporation, freed and discharged from the public use thereof: Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation, the Corporation shall pay to the owner and occupier of such land such compensation as shall be agreed on between such owner and occupier and the Corporation, or failing their agreement such compensation as shall be ascertained in manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," with respect to the settlement of questions of disputed compensation for lands.

PART IV.—Acquisition of Lands.

Power to take lands.

29. Subject and according to the provisions of this Act, the Corporation may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the book of reference, and any easement, right, or privilege in or over the same.

Time for compulsory purchase of lands limited.

30. The powers of the Corporation for the compulsory purchase of lands, or any estate in lands, for the purposes of this Act shall not be exercised after the expiration of three years after the commencement of this Act.

Power to take easements, &c. by agreement.

31. Persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release lands may, if they think fit, subject to the several provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Corporation any easements, 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 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.

Corporation may sell or lease lands not required for purposes of Act.

32. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the powers of this Act and not required for the purposes thereof, or they may lay out the same for building purposes and sell or exchange the same, or otherwise at their option they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest, not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Corporation think fit (and in case of sale, in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form), all or any part of such lands, and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise and may fix reserved biddings and prices, buy in at auctions, and alter or rescind, on terms or gratuitously, any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and, either before or after such

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conveyance or lease is granted, may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid.

PART V.—Town Hall and Municipal Buildings.

Power to erect town hall, borough court, and municipal buildings.

33. The Corporation from time to time may erect and provide, fit up, and furnish on the lands delineated on that behalf on the deposited plans a town hall, borough court, and such municipal, police, and other offices and buildings for public or municipal purposes as they think fit, and may from time to time repair, alter, enlarge, and improve the same as they think fit; and the Corporation may at any time, at their discretion, allow the use of such buildings respectively on such terms and conditions as they from time to time think fit, and the purchase money (if any) paid by the Corporation for the site of the said premises, and all the expenses from time to time incurred by the Corporation in erecting and providing the said court and other buildings, and in repairing, altering, enlarging, or improving the same, shall be charged upon the borough fund and borough rate of the borough: Provided always, that if the land used for the said premises shall have been purchased out of moneys belonging to any account other than the borough fund or borough rate, the Corporation shall as between such account and the borough fund or borough rate carry to the credit of such account and to the debit of the borough fund and borough rate the amount expended by the Corporation in the purchase of such site, or such other sum as the Corporation may determine to be proper.

PART VI.—Streets, Buildings, and Sewers.

As to limits of borough.

34. The limits of this part of this Act shall be the limits of the borough.

Width of new streets.

35. Every new street which in the opinion of the Corporation shall be a main thoroughfare of or main approach to the borough shall be laid out and formed at least fifty feet wide, and every other new street which in the opinion of the Corporation shall be a main carriage road shall be laid out and formed at least forty feet wide, and every new street which in the opinion of the Corporation shall not be a main carriage road shall be laid out and formed at least thirty-six feet wide, and every new street which in the opinion of the Corporation shall be a back street shall be laid out and formed

at least eighteen feet wide, and the Corporation shall determine in each case what proportion of the width of such street shall be laid out as a carriageway and footway respectively.

Power to prescribe greater width than specified.

36. If the Corporation deem it for the public advantage that any new street shall be made of a greater width than is prescribed by this Act, they may by their order declare that such street shall be of the width prescribed in such order, making such amount of compensation to the owner of the land required for such additional width as shall be agreed upon between such owner and the Corporation, or as, in case of difference, shall be determined by arbitration in manner provided by "The Public Health Act, 1875."

Modification of width of new streets in certain cases.

37. In any case in which an open space shall be left along one or both sides of any new street throughout its whole length in front of the houses, or in which any new street shall not be the principal or only approach to dwelling-houses, the Corporation may allow of a reduction of the width herein specified for such streets, whether carriage roads or not, as they shall see fit.

Definition of width of streets.

38. The width of new streets shall be taken to mean the whole space, exclusive of any steps or projections therein, and measured at right angles to the course or direction of such streets.

Entrances to and continuation, &c. of new streets.

39. The entrance to every new street at either end thereof shall be the full width of such street, and every such street shall be open from the ground upwards, and every future continuation of such street shall be of the full width at least of the street of which it is a continuation, unless the Corporation shall otherwise determine.

Gradients and connexions with adjoining streets.

40. Every new street shall be formed so as to afford the easiest practicable gradients, and so as to form an easy and convenient communication with the other streets or intended streets with which it may be or become in any way connected.

No buildings allowed until streets laid out.

41. No person shall begin to build in any new street until the whole length and level thereof shall have been defined by posts, or in some other sufficient manner to the reasonable satisfaction of the Corporation, and until such street shall have been laid with a foundation of at least nine inches of stone, slag, gravel, brick, rubbish, or other similar material, and until the side or kerbstones have been placed along the intended footway for the whole length of such street on each side thereof, such side or kerbstone to be laid down in accordance with the line and level thereof approved by the Corporation in manner provided by this Act.

Power to vary direction, level, &c. of new streets.

42. The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to

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communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level. Every new street shall be formed at such level as the Corporation shall in each case determine.

Surveyor to specify depth, &c. of sewers.

43. The proposed level and width of any new street having been approved by the Corporation, the surveyor shall specify the depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, and the works for the proper drainage of such street and of the adjoining properties shall be carried into effect according to such specification, and no person shall begin to build in any new street until the specified sewer and the works for the proper drainage of such street have been carried into effect to the reasonable satisfaction of the Corporation.

Crossings for horses or vehicles over footways.

44. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street shall first submit to the Corporation a plan of the proposed communication, showing where it will cut the footpath, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works, and such person, after having obtained the sanction of the Corporation, shall carry the works into effect at his own expense, under the supervision and to the satisfaction of the surveyor, and not otherwise; and if any person shall drive or permit or cause to be driven any horse or vehicle across any footway, unless and until the same has had such communication as aforesaid, made and approved by the Corporation he shall be liable to a penalty not exceeding forty shillings.

Approval of mode of construction of streets and sewers.

45. The mode of construction of every new street, and of the drainage and sewerage thereof, also the depth, size, form, and inclination of the sewers and drains for the same, and the materials to be used in construction of such street, sewers, and drains, shall be subject to the approval of the Corporation.

Coal shoots.

46. No coal shoot, area, or cellar grating shall be placed in any new street unless the same be formed of the materials and size, and in the manner, and be placed in a position approved of by the Corporation.

Levels of new dwelling-houses and construction of cellars.

47. The level of the ground floor of every new dwelling-house shall be at least six inches above the level of the footway, street, or court adjoining such dwelling-house at the point where the same adjoins such dwelling-house, whether there shall be a cellar to such dwelling-house or not, and the floor of every cellar in every such

dwelling-house shall be laid with flags, or some other material to be approved of by the Corporation.

Space about buildings.

48. Every new building erected for the purpose of being used as a dwelling-house shall, subject to the provisions herein-after mentioned, have either entirely at the rear thereof, or of some part thereof, or entirely at the side thereof, or of some part thereof, an open space adjoining and exclusively belonging thereto to the extent at least of one hundred and fifty square feet for a building of not more than twenty feet in height, free from any erection thereon above the level of the ground, and exclusive of any ground used in common for two or more dwelling-houses, and the distance across every part of so much of such open space as is required to make up one hundred and fifty square feet between every such dwelling-house and the building or property on the opposite side of such open space shall be not less than fifteen feet. If such dwelling-house be of greater height than twenty feet above the level of such open space, the area of such open space to be left shall not be less than one hundred and eighty square feet, and the distance across every part of so much of such open space as is required to make up one hundred and eighty square feet shall not be less than twenty feet: Provided always, that when a stable or cow-house is proposed to be erected within thirty feet of any dwelling-house, the Corporation may require an open space to be left as aforesaid equal to twice the area of such stable or cow-house, in addition to the space herein-before provided for dwelling-houses. Every new building used or intended to be used as a hotel or common lodging-house shall have, in addition to the ventilation space herein provided for dwelling-houses, an additional area of ten superficial feet for every person that the house is intended to accommodate: Provided always, that the Corporation shall not be entitled under this section to require a greater area in the whole than one thousand superficial feet.

In determining, in the case of a dwelling-house of an irregular figure, whether the requirements as to the width across the open space to be left be complied with, such open space shall be considered to be at the rear or side respectively of such dwelling-house, according as the rear or side or some part of the rear or side thereof presents the greatest length of frontage to such open space: Provided always, that the Corporation shall be at liberty, in such cases as they may think fit, to waive the requirements aforesaid as to distance across every part of the open space to be left at the rear or side of any dwelling-house, provided that the area of the open space be in no case less than required as aforesaid.

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As to buildings not dwelling-houses.

49. In the case of any new building, not being a dwelling-house, which shall adjoin on one or more sides to any dwelling-house or premises, the Corporation may require all the provisions of this Act in regard to the space about buildings to be complied with.

Space not to be built upon.

50. Whenever any open space has been left belonging to any new building, and whenever any open space has been left belonging to any building erected prior to the thirty-first day of October one thousand eight hundred and seventy-seven, such space shall in each case never afterwards be diminished to a clear superficial area less than that required by this Act in reference to new buildings.

Windows.

51. Every habitable room hereafter built of the area of two hundred and twenty-five superficial feet of floor space, or less, shall have at least one window, and the total area of window clear of the sash frame shall be at least one tenth of the area of the floor, and all rooms of greater extent than two hundred and twenty-five superficial feet of floor space shall have a window space clear of the sash frame of at least one twelfth of the area of the floor, and the height of one at least of the windows, measuring from the lower end of the window frame at the top, shall not be less than seven feet six inches above the floor, and if a sash window the upper half shall be made to open the full width, and if a casement window one half of such window shall be made to open.

Special ventilation of small rooms.

52. Every habitable room hereafter built of less area than one hundred superficial feet, and without a fireplace, shall be provided with proper means of ventilation, either by air-shaft or by such other means as the Corporation may determine.

Rooms over privy, &c.

53. No room built before or after the passing of this Act, any portion of which extends immediately over any privy (not being a watercloset), cesspool, midden, or ashpit, shall be occupied as a dwelling or sleeping room during any portion of the day or night, and if any person shall, after the expiration of one month after the passing of this Act, occupy or suffer to be occupied as a dwelling or sleeping room any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Means of ingress and egress in public buildings.

54. Every building used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall be provided with ample and convenient means of ingress and egress respectively to be approved by the Corporation.

Height of buildings.

55. No new building shall, without the approval of the Corporation, be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street, nor shall the height of any building erected on the side of any street, either before or after the passing of this Act, be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet, or to the eaves of the roof, as the case may be. In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of such roof and not to the eaves.

Alteration of buildings.

56. In case any person shall make any addition to any building erected either before or after the passing of this Act such addition shall be deemed to be a new building.

Cesspools.

57. No cesspool shall be allowed except when, in the opinion of the Corporation, the same shall be unavoidable, and when any cesspool shall be allowed it shall be constructed in such situation and in such manner as the Corporation shall direct, and it shall in every case be made water-tight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it, or from the drain communicating with it, from the watercloset or privy.

All cesspools receiving the drainage of any premises must be emptied, deodorised, and filled up with approved materials as soon as there shall be a sewer belonging to the Corporation within one hundred feet of any part of such premises fit to receive the drainage of such premises.

Situation of watercloseta, &c.

58. The situation, dimension, materials, and construction of every watercloset, privy, ashpit, and cesspool shall be subject to the approval of the Corporation, and every watercloset or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation; and every watercloset shall be provided with a water-waste preventing cistern, of such size and description as the Corporation shall approve, and every ashpit shall be covered over, and due provision shall be made for the proper ventilation thereof.

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Buildings unfit for human habitation.

59. In any case where it is certified to the Corporation by the officer of health of the district (if any), by the surveyor, by the inspector of nuisances, or by any two qualified medical practitioners, that any building or part of a building is unfit for human habitation, the Corporation may, at the expiration of seven days after notice served upon the owner of such building, or part of such building, by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and shall not, after a date therein to be specified, be inhabited; and any person who, after the date or time mentioned in such order, lets or occupies, or continues to let or occupy, or knowingly suffers to be occupied, such building or part of a building, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is let or occupied: Provided always, that if at any time after such order made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforth cease to operate.

Certificate of fitness of new houses for habitation.

60. No new building shall be occupied as a dwelling-house until the drainage thereof has been made and completed, nor until such building has, after examination, been certified in writing by the surveyor, inspector of nuisances, officer of health, or a person appointed by the Corporation in that behalf, to be fit for human habitation; but if the surveyor, inspector of nuisances, officer of health, or such person as aforesaid, shall, for seven days after notice to him, neglect or fail to make such examination such building may be so occupied.

Any person who shall let any new house, or part of any new house, before the same is certified, or after a certificate under this enactment has been refused, shall be liable to a penalty for so doing, and also to a continuing penalty as herein-after provided.

Summary power for repair of streets.

61. In addition to all powers vested in the Corporation, the Corporation may, where a street, not being a highway repairable by the public, or any part thereof, is in a dangerous or defective condition, by notice in writing under the hand of the mayor or town clerk for the time being, require the owner of any building or land abutting upon such street, or such part thereof, to repair and amend the portion of such street on which such building or land abuts up to the centre of such street within a reasonable time and in manner to be prescribed by such notice; if any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable to a penalty of five pounds for every offence, and to a

further penalty, not exceeding the like sum, for every day during which such offence shall continue.

As to hoardings.

62. Where any person puts up in, on, or adjoining to any street or court any temporary hoard, fence, platform, handrail, scaffold, post, bar, rail, board, or other thing by way of enclosure, he shall put the same in such lines as the Corporation direct, and if any person fails to comply in any respect with the requirements of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues, after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation.

Deposit of building materials, &c.

63. When any person lays any building materials, rubbish, or other things in any street, he shall deposit the same at such place or places only as the surveyor shall approve, and any person offending against this enactment shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence shall continue.

For preventing projections over streets.

64. After the passing of this Act it shall not be lawful for any person, without the previous consent of the Corporation, to erect any crane or apparatus for hoisting or lowering goods, or place or make any other like projection or projecting signboard, at or from any building over any part of any carriageway or footway within the borough, and every person after the passing of this Act erecting any such crane or apparatus, or placing or making any such projection or projecting signboard, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

For preventing dangerous projections.

65. Sections 69 and 70 of "The Towns Improvement Clauses Act, 1847," incorporated with "The Public Health Act, 1875," shall, with respect to the borough, extend and apply to any crane or apparatus for hoisting or lowering goods, or any other like projection from or at any building, and whether erected before or after the passing of this Act, which in the opinion of the Corporation is dangerous, or is an obstruction to the safe and convenient passage along any street within the borough.

Nature of plans, drawings, &c.

66. All plans and sections submitted to the Corporation for approval shall be in duplicate, and one copy shall be retained by the Corporation. The copy retained by the Corporation shall be drawn either in ink or colour on stout drawing paper, or be traced in ink or colour on tracing cloth.

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Period for commencement of streets and buildings after plans passed.

67. The sanction of the Corporation to any plans for the construction of a new street, or the erection of a new building, or for alterations of or additions to any new building, shall be null and void if the erection of the work so sanctioned shall not have been commenced within one year after such sanction, or, if commenced, are not proceeded with in such manner as the Corporation shall deem satisfactory.

Regulations as to vaults.

68. Every vault, arch, cellar, or other excavation under any footway or carriageway shall be made and constructed of such materials and in such manner as the Corporation shall consider necessary for the protection of the public, and so as not to interfere with the sewers, drains, or water supply of the borough. When and so often as any vault, arch, cellar, or other excavation now or hereafter constructed shall be ruinous, decayed, or dangerous, it shall be lawful for the Corporation to give notice to the owner thereof, requiring him forthwith sufficiently to fence, stay, shore, or protect the same, and also within a time to be specified to re-construct or sufficiently repair the same. If any vault, arch, cellar, or other excavation shall be made contrary to this enactment, or if any owner shall fail, after notice as aforesaid, to fence, stay, shore, protect, or repair any ruinous, decayed, or dangerous vault, arch, cellar, or excavation after notice as aforesaid, the owner of every such vault, arch, cellar, or excavation shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding five pounds for every day during which any such misfeasance or nonfeasance shall continue.

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

69. Whereas plans of buildings are frequently submitted to and approved by the Corporation, as the urban sanitary authority of the borough wherein such buildings are described, as lock-up shops, workshops, sheds, or places of business, and after the buildings are erected the same are used for the purposes of habitation, and such user of the buildings is frequently not discovered for a considerable time whereby the justices of the borough lose jurisdiction over such cases: Therefore the use of any building, or part thereof, for the purposes of habitation, where such building has been described in any such plan which has been or shall be submitted to and passed by the Corporation, or any committee thereof, as a lock-up shop, workshop, shed, or place of business, shall be deemed and taken to be an offence against the building regulations of the borough committed on the day when such user shall be detected, and every person so using such building, or permitting the same to be so used, shall for every such offence be liable to a penalty not exceeding forty

shillings, and a like penalty for every day during which such offence shall continue.

It shall be lawful for the mayor for the time being of the borough, or his deputy by warrant under his hand, to authorise the surveyor, inspector of nuisances, or any other officer of the Corporation at any time to enter upon and examine any such premises suspected of being misused as aforesaid. Every person who shall obstruct such surveyor, inspector, or officer so authorised from making such inspection shall be liable to a penalty not exceeding forty shillings.

Summary power for providing sinks and drains for dwelling-houses.

70. In addition to all powers vested in the Corporation, the Corporation or any committee of the town council may, if the surveyor shall report in writing to the Corporation or to any such committee that any dwelling-house is not provided with a proper sink or drain, or other necessary appliances for carrying off refuse water from such dwelling-house, by notice under the hand of the mayor or town clerk for the time being, require the owner of such dwelling-house, in the manner and within the time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of the like sum for every day during which such offence shall continue.

Prevention of nuisances.

71. If any middenstead, ashpit, privy, or watercloset within the borough, used in common by several persons, or the approaches to or the walls, floors, seats, or fittings of any such middenstead, ashpit, privy, or watercloset, or any of them, shall be in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof, the persons having the use thereof in common as aforesaid shall severally be liable to a penalty not exceeding ten shillings each, and a further penalty not exceeding ten shillings for every day during which the same shall remain in such state or condition.

For cleansing becks, &c.

72. The Corporation from time to time may cleanse and improve all or any part of the becks, streams, and watercourses in the borough, and of the channel, beds, and sides thereof, and for the purposes aforesaid may remove therefrom all obstructions and nuisances whatever; but if any such obstruction shall be used for the support of any building or the foundations thereof, the Corporation shall substitute some other mode of support as they may deem expedient, but not in any case inferior to the support removed. Before removing or interfering with any obstruction used for such support

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the Corporation shall give to the owner of the said building fourteen days notice of their intention to execute the works, stating in the notice the nature of the works intended to be executed, or if such owner be not known to the Corporation, or cannot be found, then the notice shall be given to the occupier (if any) of the said building, and shall be affixed to some conspicuous part thereof, and if any difference shall arise between the Corporation and the owners, lessees, or occupiers of such building, or any of them, or any other person interested therein, as to the works intended to be executed, or the compensation (if any) to be paid by the Corporation, or as to any other matter in relation thereto, either party shall be at liberty to summon the other before any two justices who shall hear and determine all matters in difference, and the decision of such justices, both as to the works to be done and the compensation (if any) to be paid by the Corporation, and on all other matters relating thereto, shall be final and conclusive in all respects. If either party after being duly summoned fail to attend, the justices may proceed ex parte, and the decision given shall be as binding as if both parties had attended and had been heard. If after notice of intended works given or affixed by the Corporation as aforesaid no objection be made thereto within the said fourteen days, all parties interested in such building shall for all intents and purposes be held to have assented to the intended works and to have given leave and license for the execution thereof; but nothing in this enactment contained, or any dealing with such building in pursuance of this enactment, shall as to any person not appearing on any such summons, or failing to object to the proposed works, relieve the Corporation from liability to compensation, the same to be settled by two justices in the manner herein-before provided.

Power to make byelaws as to becks, &c.

73. The Corporation from time to time may, in the manner prescribed by the Public Health Acts for making byelaws, make, alter, and repeal all such byelaws as they from time to time think expedient for the more effectual control and management of all or any of the becks, streams, and watercourses in the borough, and the prevention of obstructions, projections, and nuisances therein, or in the channel, beds, and sides thereof.

Penalty.

74. Any person offending against any of the preceding provisions contained in this part of this Act shall, except as otherwise provided, forfeit and pay for every such offence a penalty not exceeding five pounds, and in case of a continuing offence a further penalty not exceeding forty shillings for each day during which such offence shall continue.

Penalty on workmen.

75. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained he shall for each offence incur a penalty not exceeding twenty shillings.

For protection of Aire and Calder, and Calder and Hebble navigations.

76. Nothing in this Act contained shall be held to authorise the Corporation to cause to be discharged from any beck, stream, or watercourse into the River Calder, or the Aire and Calder navigation, or the Calder and Hebble navigation, any solid matter which at the time of the passing of this Act cannot legally be discharged, or any greater quantity of solid matter than at the time of the passing of this Act is actually discharged into such river or navigations respectively from such beck, stream, or watercourse, or to divert from such river or navigations respectively, or from a higher to a lower level of such river or navigations respectively, the waters of any beck, stream, or watercourse which at the time of the passing of this Act flows into such river or either of such navigations, or to make, alter, or repeal any byelaws for the control or management of the said river or either of the said navigations, or of the works connected therewith respectively, or otherwise to interfere with the powers, rights, and privileges of the undertakers of the navigation of the Rivers Aire and Calder, in the county of York, or of the Company of Proprietors of the Calder and Hebble Navigation, under the several Acts of Parliament relating to their respective undertakings.

PART VII.—Maintenance of Order.

Provision for regulating places for dancing or music.

77. No house, room, garden, or place within the borough shall be kept or used for public dancing or music without a license first had and obtained from the justices of the peace for the borough (which said license such justices are hereby authorised and empowered, at their discretion, to grant) on their general annual licensing day, and under the hands and seals of a majority of the justices then assembled, and any house, room, garden, or place kept and used for any such purposes as aforesaid without such license first had and obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall on conviction before any two justices be liable to a penalty not exceeding ten pounds for every day on which he shall so offend: Provided always, that in order to give public notice what places are licensed pursuant to this Act there shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room,

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garden, or place kept or used for any of the said purposes, and so licensed as aforesaid, an inscription in large capital letters, of such dimensions as shall be prescribed in such license, in the words following: "Licensed pursuant to Act of Parliament;" and no such house, room, garden, or place kept or used for any of the said purposes, although licensed as aforesaid, shall be opened for any of the said purposes except between the hours stated in the license, and the affixing and keeping up of such inscription as aforesaid and the said limitation in point of time shall be inserted in and made conditions of every such license; and in case of any breach of any of the said conditions of any such license such license shall be liable to be forfeited and revoked by the justices of the peace for the borough at any general annual licensing day, or some adjournment therefrom, or to be suspended and temporarily revoked until the next general annual licensing day, by two justices in petty sessions assembled, in any case in which it shall be proved to the satisfaction of such justices that more than one breach of such conditions has occurred since the granting of such license: Provided also, that it shall be lawful for every person who shall think himself aggrieved by any order of any such justices to appeal therefrom to the High Court of Justice (which Court shall have power to hear and determine the same), whose order therein shall be final.

Byelaws with reference thereto.

78. The Corporation may from time to time, in the manner prescribed by the Public Health Acts, make, repeal, amend, or alter such byelaws as they may think fit—

For the good government and management of any house, room, garden, or place licensed under this Act for public dancing or music; and

For the prevention of disorderly conduct therein;

and may impose penalties for the breach or non-observance thereof not exceeding five pounds for each offence.

For preventing obstruction in streets.

79. No goods, merchandise, or articles whatsoever shall be allowed to rest or remain on any part of any carriageway within the borough, or be otherwise allowed so as to cause obstruction, annoyance, or inconvenience to the passage of the public along the same carriageway for a longer time than is absolutely necessary for loading or unloading, and every person doing any act in contravention of this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Byelaws for regulating traffic in streets.

80. The Corporation from time to time may, in the manner prescribed by the Public Health Acts for making byelaws, make, alter, and repeal all such byelaws as they from time to time think

expedient for the regulation of the traffic in and along all or any of the streets within the borough, and may impose penalties for the breach or non-observance thereof, not exceeding forty shillings for each offence.

Amendment of section 28 of "Town Police Clauses Act, 1847."

81. Section 28 of "The Town Police Clauses Act, 1847," incorporated with "The Public Health Act, 1875," shall, with respect to the borough, be read and have effect as if the following paragraph was inserted therein; (that is to say,)

Every person who shall throw, deposit, place, or leave, or wilfully permit or suffer to fall, run, or flow, any offensive matter or thing into or upon any street, or into any well, stream, watercourse, beck, pool, pond, or reservoir of or for water within the borough.

Corporation as surveyors of highways may allow shelter-houses to be erected.

82. The Corporation may authorise and permit such suitable erections as they may approve of to be placed in such of the streets of the borough as they may think fit for the use, convenience, and shelter of drivers of hackney carriages plying for hire, and may, in manner prescribed by the Public Health Acts, make byelaws for the management and use of such places, and the conduct of the persons resorting thereto, and may impose penalties for the breach or non-observance thereof, not exceeding forty shillings for each offence.

PART VIII.—Financial.

Rates.

As to rating new property, &c.

83. When any land, building, or hereditaments shall have been omitted to be rated or assessed to any rate leviable in the borough by the Corporation, or shall have been built or completed since the day on which any such rate or assessment was made, the Corporation may include such building in any rate, charge, or assessment then in force in reference to other buildings in the borough by inserting the same in the said rate, charge, or assessment, with the name of the person liable thereto, and for that purpose may assess and value such building at such sum as may appear to the Corporation to be the proper rateable value thereof, and every such person shall thereupon be rated to such rate without any further or other proceeding: Provided nevertheless, that any person so rated to such rate, charge, or assessment shall have the same right of appeal against the same and within the same period after the time of his being so rated as he would have been entitled to if he had been so rated at the time of making such rate: Provided also, that fourteen days notice of the intention of the Corporation so to rate any

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property belonging to any railway company shall be given to such company, and such company shall have the same power of appeal relative to such rate as if such rate had been an original rate.

For better securing private improvement expenses.

84. For better enabling the Corporation to secure and enforce repayment of any money due to them for private improvement expenses within the meaning of that term when used in the Public Health Acts, the following provisions shall have effect; (that is to say,)

(1.) The Corporation may charge the same on the lands in respect whereof the same is payable by depositing for registration at the registry office for the west riding of the county of York a memorandum in the form set forth in the Second Schedule to this Act, or the like effect:

(2.) The Corporation shall, within one calendar month after registration, give to the owner in possession of the lands, or in receipt of the rents thereof, notice in writing of such registration:

(3.) The registration of the memorandum shall constitute a charge on the lands for the amount therein mentioned, with interest at five per centum per annum from the date of registration, in priority to any charge on the lands created subsequently to that date:

(4.) The registration shall not be affected by any proceedings taken by the Corporation for recovery of the money charged:

(5.) On satisfaction of the debt the Corporation shall, without fee, execute any instrument required for release of the lands from the charge:

(6.) Any money due as aforesaid may be recovered from any owner found by the Corporation in possession of the lands, or in receipt of the rents thereof, without prejudice to his right, if any, to recover over against any other person.

Expenses of execution of Act.

Expenses of Act.

85. All costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of the purposes of this Act with respect to the undertaking of the Wakefield Waterworks Company (including the payment of the purchase money, and of all debts of that Company secured by mortgage or bond) shall be a charge on the revenues of that undertaking and on the general district rates and district fund, with respect to new streets shall be a charge on the general district rates and district fund, with respect to the Town Hall, borough court, municipal and police buildings

shall be a charge on the borough fund and borough rate, and with respect to the other purposes of this Act, except as otherwise specially provided, shall be a charge on the borough fund or borough rate or the general district rates or district fund.

Certain regulations of "Public Health Act, 1875," as to borrowing not to apply.

86. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in "The Public Health Act, 1875," and in calculating the amount which the Corporation may borrow under "The Public Health Act, 1875," any sums which they may borrow under this Act shall not be reckoned.

Power to borrow money.

87. The Corporation may from time to time borrow at interest (not exceeding the rate of five pounds per centum per annum) such moneys as they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate the amounts by this Act authorised.

Limitation of borrowing powers.

88. The moneys to be borrowed by the Corporation under the authority of this Act shall not in connexion with the following purposes exceed the following sums; (that is to say,)

With respect to the purchase of the undertaking of the Company, two hundred and ten thousand pounds: Provided always, that in case the Corporation shall discharge any part of the purchase money payable in respect of the purchase of the said undertaking by means of mortgages, debentures, debenture stock, or annuity certificates granted under the authority of this Act, then and in such case the amount by this enactment authorised to be borrowed shall be deemed to include the amount of the moneys secured by the mortgages, debentures, debenture stock, or annuity certificates granted under the authority of this Act;

With respect to the payment of the debts of the Company secured by mortgage or bond, fifteen thousand pounds;

With respect to the new streets, one thousand pounds;

With respect to the Town Hall, borough court, municipal and police buildings, eighty thousand pounds;

With respect to the payment of the expenses of preparing, applying for, obtaining, and passing this Act, in accordance with the provisions of the last section of the same, the amount taxed and ascertained in the manner thereby prescribed;

And with respect to the other purposes of this Act, such sum as the Local Government Board shall approve, not exceeding five thousand pounds:

Provided that in case any further moneys shall be required for any of the aforesaid purposes the Local Government Board may, at the

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request of the Corporation, authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Power to borrow to pay costs of opposing Water Company's Bill of 1876.

89. In addition to the sums the Corporation are herein-before authorised to borrow under the authority of this Act, or otherwise, they may also borrow at interest on mortgage of the general district rates and district fund a sum not exceeding the sum of five thousand two hundred pounds for the purpose of paying and discharging the amount of the taxed costs, charges, and expenses incurred by the Corporation in opposing, or otherwise, in relation to the Bill for "The Wakefield Waterworks Act, 1876," and all the powers of this Act, with respect to the borrowing of money on mortgage, so far as the same are applicable, shall, mutatis mutandis, apply to the borrowing of five thousand two hundred pounds hereby authorised: Provided that the sums so borrowed shall be repaid by equal annual instalments of principal and interest within a period of five years from the passing of this Act, and in the event of the whole or any portion of such costs, charges, and expenses having been paid out of the general district rate or other rates, the amount so paid shall be recouped to the account of such rate out of the moneys borrowed under this section of this Act.

Mortgages.

Power to mortgage.

90. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act, the Corporation may mortgage the rate or fund, or rates or fund, or revenues, upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act, and in case the Corporation shall secure the repayment of such moneys by mortgage the provisions of "The Public Health Act, 1875," with respect to the mortgages to be executed by a local authority, shall apply, except where the same are herein-after expressly altered or varied, and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation:

Coupons for interest on mortgages.

(1.) The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Corporation think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal moneys secured by the

mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed until the contrary is shown), and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed, and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf:

Money borrowed on mortgage may be paid by instalments.

(2.) All moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of this Act may be borrowed and re-borrowed for any term not exceeding seventy years from the date of the first borrowing of the same, and, subject as aforesaid, shall be repaid by yearly or half-yearly instalments or by means of a sinking fund: Provided that when the payments shall not be made by equal instalments the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part, shall in every year amount to the same sum:

Sinking fund for payment of money borrowed on mortgage.

(3.) The Corporation, in case they borrow any moneys on mortgage repayable by a sinking fund, shall within twelve months after borrowing the same, and thenceforth annually on the same day, set apart as a sinking fund for the payment of moneys borrowed on mortgage under this Act, out of the rate or fund, or the rates or funds, or revenue, upon the security of which such moneys have been borrowed, such a sum as will be sufficient to pay within the period stipulated with the lender (not exceeding seventy years from the time of borrowing) such proportion of the principal moneys so borrowed as shall not be repayable by yearly or half-yearly instalments (after giving credit for moneys received in respect of the sales of land acquired under the powers of this Act), to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities, and the Corporation shall from time to time apply the said sinking funds respectively in repayment of such portion of those respective principal moneys until thereby or otherwise the whole of such

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portions have been fully paid off: Provided that in case the Corporation do not borrow any moneys under the authority of this Act for the payment of the debts of the Company secured by mortgage or bond, they shall nevertheless form a sinking fund for the payment of the same in the manner by this Act prescribed, and the first moneys for such purpose shall be set apart within twelve months after the transfer of the undertaking of the Company:

Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage.

(4.) The town clerk 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 in respect of moneys borrowed on mortgage under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of such securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon 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 of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to pay any instalment, or to set aside the sum required by 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 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:

Power to mortgagees to appoint receiver.

(5.) With respect to a receiver the following provisions shall have effect; namely, the mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, 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 one tenth of the whole amount for the time being due on mortgages made under this Act:

Power to re-borrow.

(6.) If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by instalments, or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid:

Protection of lenders from inquiry.

(7.) A person lending money to the Corporation secured by mortgage shall not be bound or entitled to inquire as to observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application or mis-application, of the money lent, or of any part thereof.

Loans under Local Loans Act, 1875.

Power to borrow under Local Loans Act, 1875.

91. The Corporation, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or any part thereof, under the powers and subject to the provisions of "The Local Loans Act, 1875," by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the rate or fund, or rates or funds, or revenues, upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act, and such rate or fund, or rates or funds, or revenues, shall be the local rate within the meaning and for the purposes of "The Local Loans Act, 1875."

Every such loan shall be discharged within seventy years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund if the Corporation shall so think fit; and if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys.

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Separate accounts.

92. The Corporation shall keep separate accounts with respect to the undertaking of the Company in their hands, with respect to the new streets, and with respect to the Town Hall, borough court, municipal and police buildings, showing all moneys from time to time expended thereon or received in respect thereof respectively.

Application of money borrowed.

93. All moneys borrowed under this Act shall be appropriated to purposes for which they are authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment; all moneys received by the Corporation under this Act, either as purchase moneys of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied towards the reduction of the debt owing by the Corporation, or towards the increase of the sinking fund.

Saving for existing charges.

94. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund and borough rates, and the district fund account and general district rates, or any of them, by way of annuity, mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to the charge, as if this Act had not been passed; and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any annuity, certificate, mortgage, debenture, or debenture stock granted under this Act.

PART IX.—General.

Exemption of buildings used for railway purposes.

95. The provisions of Parts III. and VI. of this Act, relating respectively to "new streets" and to "streets, buildings, and sewers," shall not, nor shall any of them, extend or apply to buildings belonging to any railway company, and used for the purposes of such railway, under any Act of Parliament.

Compensation to servants and workmen.

96. If any fireman or any servant or workman employed by the Corporation in the discharge of his duty suffers bodily injury or loss of life, the Corporation may give to him, or his widow and children (if any), or any of them, such compensation, by way of annuity or otherwise, as they think fit.

Proof of debt in bankruptcy.

97. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk, in all proceedings

in relation to the estate of such bankrupt, may represent the Corporation, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

Powers of Act cumulative.

98. All powers, rights, and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be and shall be, in addition to and not in derogation of any other powers, conferred on them by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not passed.

Recovery and application of penalties.

99. All fines recoverable under this Act, or under any byelaws made in pursuance thereof respectively, shall be recoverable in a summary manner before two justices, and the moneys arising thereby, if received by the Corporation, shall be paid to the treasurer of the borough, and by him carried to the credit of the general district rate.

Notices.

100. The provisions of the Public Health Acts, with respect to notices and the service of the same, shall, except where otherwise expressly provided, apply to notices under this Act, and to the service of the same.

101. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Corporation shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Corporation have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Corporation executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Corporation shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

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Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Corporation shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Corporation for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Corporation to Postmaster General, and penalty.

(D.) The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Expenses of Act.

102. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act, one third of which shall be charged on the borough fund and borough rate, and the remaining two thirds on the general district rate, and such costs shall

include the costs incurred by the Corporation in 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. A.D. 1877.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Articles of Agreement made the thirteenth day of February one thousand eight hundred and seventy-seven between the Wakefield Waterworks Company (herein-after called "the Company") of the one part, and the mayor, aldermen, and burgesses of the borough of Wakefield (herein-after called "the Corporation") of the other part: Whereas the Company is engaged in supplying water to the town of Wakefield and the neighbourhood thereof under the provisions of "The Wakefield Waterworks Act, 1862," "The Wakefield Waterworks Act, 1873," "The Wakefield Waterworks Act, 1874," and "The Wakefield Waterworks Act, 1876"; and whereas the Corporation are desirous of acquiring the works and undertaking of the Company; and whereas it has been agreed that the Company shall sell, and that the Corporation shall purchase, the works and undertaking of the Company upon the terms herein-after expressed: Now, therefore, these presents witness that the Company hereby agree with the Corporation, and the Corporation hereby agree with the Company, as follows:

1. The purchase shall be considered to date as from the thirtieth day of June one thousand eight hundred and seventy-six, up to which time all rates and taxes are to be discharged by the Company.

2. The Company shall be entitled to retain for their own use all money or securities for money in their possession, or to which they were entitled on the thirtieth day of June last, including all rates, rents, and debts due to them on that day for water supplied or for work done, or on any other account whatsoever, although not then collected, so far as necessary to provide the funds for paying the dividend declared by the Company on the eighteenth day of August one thousand eight hundred and seventy-six for the half year ending the thirtieth day of June last, but the surplus (if any) shall become the property of the Corporation, and be paid or delivered over to them on the completion of the purchase, unless previously applied by the directors in the manner hereafter authorised with respect to the rates, rents, and other moneys earned by the Company after the thirtieth day of June last.

3. The Corporation shall be entitled to all the lands, works, reservoirs, filter-beds, mains, plant, machinery, rights, powers, privileges, matters, and things, and property of the Company, or to which they were entitled on the first day of July one thousand eight hundred and seventy-six, or which have since been acquired by them, or which may be acquired by them, in the course of their business, up to the time of the completion of the purchase, save only and

except such money or securities for money, and uncollected rates and rents, as are herein-before authorised to be retained by the Company.

4. On and after the first day of July one thousand eight hundred and seventy-six, and up to the time of the completion of the purchase, the undertaking shall be deemed to have been and to be in future carried on by the Company for the benefit and at the risk and cost of the Corporation.

5. The Corporation shall take upon themselves all the debts, liabilities, agreements, and obligations of the Company of every kind, whether incurred or entered into before or after the said thirtieth day of June last, and unpaid, undischarged, or unfulfilled, whether in whole or in part (rates and taxes payable on or before the thirtieth day of June last only excepted), but including therein, in addition to the sum of seven thousand five hundred pounds (the present mortgage debt of the Company), all payments heretofore made by the Company, whether strictly within the power of the Company or directors, or not, and all liabilities of every nature and kind for which the directors, either as such, or in their individual capacity, or the Company, have from time to time become liable as well in the conduct of the ordinary business of the undertaking as in searching for better sources of water supply for Wakefield and other districts, in the prosecution of Bills in Parliament, and in payment of all costs, charges, and expenses incident to the same; and also including all payments made from time to time to the directors and others in relation thereto; and also all moneys now due or hereafter to become due to the solicitors, agents, witnesses, and others in instituting and prosecuting inquiries into the sources of water supply as before mentioned, in preparing for and prosecuting in Parliament the several Bills from time to time introduced by or on behalf of the Company; also the costs incurred or to be incurred in the preparation and execution of these presents, and also any Act of Parliament or Provisional Order, and all costs and expenses having relation to the negotiations for the purchase of the undertaking of the Company; and in respect to all and every the several foregoing matters the Corporation shall indemnify the Company, and the present and past directors thereof, whether their acts have been strictly within their legal powers or not.

6. The Corporation shall indemnify the Company and the defendants, and each and every of them, from all loss, charges, or expenses in respect of the suit "Russell against Wakefield Waterworks Company and others" which has been for some time pending in the High Court of Chancery, whatever the result may be, and whether the same be brought to a final hearing, or be compromised, or be otherwise concluded: Provided that any compromise that may be made shall be made subject to the approval of the solicitor of the Corporation, the costs of all the defendants in such suit being deemed to be costs incurred by the Company, and to be paid by the Corporation: Provided also, that should the Company be successful in their defence, any costs which may be recovered by them from the plaintiff shall be deemed to have been recovered for the benefit of the Corporation, or if the Company be unsuccessful, then all or any part of the five thousand five hundred pounds in dispute which may be recovered from the party or the persons to whom the same was paid shall, after deducting the costs of recovering the same, be handed over to the Corporation.

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7. The consideration for the said purchase (in addition to the payment, discharge, and fulfilment of the debts, liabilities, obligations, and contracts of the Company as herein-before expressed, and all other costs and expenses by this present undertaking to be paid by the Corporation) shall be the sum of one hundred and sixty-four thousand nine hundred and four pounds; that is to say, forty-eight pounds for each of the eight hundred and forty original shares of the Company of twenty-five pounds each fully paid up, twenty-four pounds for each of the three thousand eight hundred and sixteen shares of twelve pounds ten shillings each fully paid up, and eleven pounds for each of the three thousand shares of ten pounds each fully paid up, and which sum of one hundred and sixty-four thousand nine hundred and four pounds it is intended shall be received by the respective shareholders at the rates aforesaid, without any deduction on any account whatsoever, as all expenses attendant upon paying the same to the respective shareholders, or in anywise incidental thereto, are intended to be discharged by the Corporation.

8. Until the said sum of one hundred and sixty-four thousand nine hundred and four pounds shall have been paid to the respective shareholders, the Corporation shall pay interest thereon at the rate of five pounds per centum per annum, commencing on the first day of July one thousand eight hundred and seventy-six.

9. Until the completion of the purchase and the actual payment of the said sum of one hundred and sixty-four thousand nine hundred and four pounds, the Company shall retain the balance of all money or securities for money in their possession on the thirtieth day of June last, after deducting the amount paid as dividend on the eighteenth day of August one thousand eight hundred and seventy-six; and also all rates, rents, and other moneys earned by them after the thirtieth day of June last in respect of the undertaking, after deducting the usual outgoings incidental to carrying on the undertaking, including directors fees, which would have been payable by the Company if this agreement had not been made, and the same shall be applied by the directors in paying, without any deduction (income tax only excepted), half-yearly to the shareholders the amount of interest to which they may respectively be entitled in proportion to their respective shares of the said sum of one hundred and sixty-four thousand nine hundred and four pounds, the surplus (if any) being retained for the benefit of the Corporation, but only to be paid to them upon the completion of the purchase; should, however, from any cause whatever, the net income to be received by the Company on and after the first day of July one thousand eight hundred and seventy-six be insufficient to pay the said interest in full, the deficiency shall be made good by the Corporation.

10. If in any half year subsequent to the thirty-first day of December one thousand eight hundred and seventy-six the net income of such half year shall be insufficient to pay the whole of the interest due to the shareholders, the directors may apply the surplus (if any) of any preceding half year in or towards making good such deficiency.

11. The Corporation shall take into their service, upon the completion of the purchase, the then secretary and collector of the Company upon the same salary and upon the same terms as they would have received or been entitled to if such purchase had not been made.

12. All lands and other property to which the Corporation may have become entitled to have conveyed or assigned to them under this agreement, including the benefit of the several agreements mentioned in the schedule hereto, shall be accepted by them upon the same terms and conditions and under the same title as the same are now held or retained by the Company; and in the conveyance to the Corporation there shall be inserted a covenant by them to indemnify the Company and the directors thereof, and any trustee or trustees for the Company, against all liability in respect of any breach or alleged breach, or non-observance, or non-performance of any stipulations, conditions, covenants, or agreements which may have been made or entered into by them or him for or on behalf of the Company, and particularly with respect to the stipulations, conditions, and agreements contained in certain agreements mentioned in the schedule hereto; but the Corporation shall not be entitled to take possession of all or any part of the undertaking, works, or property of the Company until the execution of the said conveyance, and the payment of the whole of the said sum of one hundred and sixty-four thousand nine hundred and four pounds, when actual possession shall be given to the Corporation, without prejudice, however, to any claims which the Company may then have against the Corporation under any of the stipulations herein contained.

13. Until the completion of the purchase, the Company may, at the expense of the Corporation, make all such extensions of and additions to their works and plant (except the construction of any works under the said Waterworks Act, 1876) as they in their discretion shall consider proper and sufficient for the due carrying on, as heretofore, and development of their business, and shall keep proper and sufficient accounts and vouchers of all receipts and expenditures as they would have done if this agreement had not been made.

14. The Company shall, but at the expense of the Corporation, aid and assist them in obtaining an Act of Parliament or Provisional Order confirming the agreement (if it shall be necessary), but the same, so far as it may affect the Company, shall be approved of by them.

15. The Corporation shall pay all expenses attendant upon the distribution of the purchase money and the winding up of the Company, including (if the same be necessary) an Act of Parliament to wind up and dissolve the Company, and all other legal expenses of the Company.

16. Until the completion of the purchase, the mayor of Wakefield for the time being and two other persons (once in each year to be selected by the Corporation, and to be approved of by the directors, but not being shareholders in the Company) shall be entitled to attend each meeting of the board of directors, but without any power to vote thereat.

17. In the event from any cause other than the wilful default or neglect of the party seeking to determine this agreement an Act of Parliament or Provisional Order confirming this agreement shall not have been obtained within two years from the date hereof, either the Company or the Corporation may, by notice in writing under the hand of their secretary or clerk addressed to the other party, declare this agreement to be at an end as if the same had not been entered into, save only and except that in such case the Corporation shall pay to the Company all expenses which may have been incurred by them in carrying or in attempting to carry this agreement into effect.

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18. If at any time any question or dispute shall arise between the Company and the Corporation as to the intent, construction, effect, or meaning of this agreement, or as to any matter or subject arising thereat or therefrom, including any question as to whether any Act of Parliament or Provisional Order be or be not necessary, and, if so, as to the object and form of such Act or Provisional Order, every such question or dispute shall (unless it can be otherwise satisfactorily arranged and disposed of) be referred to and determined by Samuel John Wilde, Esquire, or some other barrister to be appointed by the Company, and Robert Romer, Esquire, or some other barrister to be appointed by the Corporation, or, in case they cannot agree, then by some barrister of eminence to be selected by them, and then on his determination, including the costs of reference, shall be final and binding upon all parties. In witness whereof the said Company have hereunto affixed their common seal, and the said Corporation have hereunto affixed their corporate seal, the day and year first herein-before written.

The SCHEDULE above referred to.

1. Agreement made between the Wakefield Waterworks Company of the one part, and the Local Board of Health for the township of Wombwell, in the west riding of the county of York, of the other part.

2. Agreement made between the Wakefield Waterworks Company of the one part, and the Swinton Local Board of Health of the other part.

3. Agreement between the said Company of the one part, and the West Melton Waterworks Company, Limited, of the other part.

4. Agreement between the said Company of the one part, and Sir Lionel Milborne Swinnerton Pilkington, Baronet, of the other part.

5. Agreement between the said Company of the one part, and John Henry Dixon, clerk to the Committee of Visitors of the West Riding Pauper Lunatic Asylum, of the other part.

The common seal of the Wakefield Waterworks Company was hereto affixed at a meeting of the directors of the said Company held on the fifteenth day of February one thousand eight hundred and seventy-seven by me,

JOHN CONNOR,
Chairman.

And in the presence of

JO. SYKES,
Secretary.

The common seal of the Wakefield Waterworks Company.

The corporate seal of the mayor, aldermen, and burgesses of the borough of Wakefield was affixed hereto at a meeting of the council of the said borough held on the thirteenth day of February one thousand eight hundred and seventy-seven in the presence of

HENRY MORGAN,
Town Clerk.

The corporate seal of the mayor, aldermen, and burgesses of the borough of Wakefield.

THE SECOND SCHEDULE.

Register of Charge of Private Improvement Expenses.

Borough of Wakefield.

The mayor, aldermen, and burgesses of the borough of Wakefield do hereby, in pursuance of "The Wakefield Improvement Act, 1877," charge the lands, tenements, and hereditaments hereunder mentioned with the sum hereunder stated, the same being due and payable to the said mayor, aldermen, and burgesses as the urban sanitary authority for the district of the said borough, in respect of the said lands, tenements, and hereditaments, for and on account of private improvement expenses, together with interest thereon at £5 per centum per annum from the date of the registration hereof.

Dated this day of 18

Description of Premises above referred to.	Name and Address of Owner or reputed Owner.	Name of Occupier, if any.	Amount above referred to.

(Signed)

Town Clerk of Wakefield.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1877.