



ANNO TRICESIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lxi.

An Act to authorize the *Dewsbury, Batley, and Heckmondwike* Local Boards to construct new Reservoirs and Works, and to alter the Provisions of the Acts relating to their existing Waterworks with respect to the Millowners on the River *Dun*; and for other Purposes.

[31st May 1867.]

**W**HEREAS by "The *Dewsbury, Batley, and Heckmondwike* 19 & 20 Vict.  
Waterworks Act, 1856," (in this Act called the Act of c. xxxvi.  
1856,) and "The *Dewsbury, Batley, and Heckmondwike* 24 & 25 Vict.  
Waterworks Amendment Act, 1861," (in this Act called the Act of c. xxxiii.  
1861,) the several Local Boards of Health for the Districts of *Dewsbury, Batley, and Heckmondwike*, in the West Riding of the County of *York*, established under the Provisions of the Public Health Act, 1848, and in the Acts of 1856 and 1861 called the United Boards, were authorized to construct certain Waterworks for the Supply of their respective Districts, and for Compensation to Millowners and others interested in the Waters abstracted for such Supply, and amongst others a Reservoir on the River *Dun* known as the *Dunford Bridge* Reservoir, and a Conduit leading into such Reservoir from the *Windleden Clough*  
[Local.] 10 B Beck,

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

*Beck*, and it was provided that the said *Dunford Bridge* Reservoir should be made and for ever maintained by the United Boards of sufficient Capacity and of such Form and Mode of Construction as to be capable of permanently holding at the least Forty Millions of Cubic Feet of Water, and that when the Level of the Water in the said Reservoir should be reduced to the Extent of Fifteen Feet below the Top-water Level of the Reservoir the whole of the Waters of the Rivers, Streams, Brooks, Rivulets, and Drains therein mentioned should flow into the said Reservoir, and that when the Level of the Water in the said Reservoir should be reduced to less than Fifteen Feet but more than Six Feet below the said Top-water Level the Quantity of Water which should be allowed to flow into the Reservoir should be at the Rate of Three hundred and thirty-three thousand Gallons in every Twenty-four Hours, and that when the Level of the Water in the said Reservoir should not be reduced to Six Feet below the said Top-water Level, the United Boards might take for the Purposes of their Acts all or any of the Waters which might be intercepted by the open Catch-waters or Conduits therein mentioned, and Provision was made for the Construction of Works to carry the said Arrangement into effect, and also for a Gauge or Weir and other Works in connexion with the said Reservoir for the Purpose of regulating the Flow of Water out of the same Reservoir for the Use of the Mills and Works on the River *Dun* below the said Reservoir, which Gauge or Weir was to be so made and regulated as that Two million Gallons of Water should be allowed to flow through or over the same out of the said Reservoir in each and every successive Period of Twenty-four Hours of each working Day in the Year, and Provision was also made for diverting the Waters of the *Windleden Clough Beck* into the said Reservoir, and the United Boards were restricted from taking any Part of such Waters: And whereas the said *Dunford Bridge* Reservoir was constructed and completed, and since the Completion thereof the Embankment of the said Reservoir has been found to be insufficient to bear the Pressure of Water thrown upon it, and has become dangerous and insecure, and on divers Occasions has given way, and on account of the Insecurity thereof it is kept only partially stored with Water, which in Times of Flood accumulates in the said Reservoir with dangerous Rapidity: And whereas it is expedient that the Dam of the *Dunford Bridge* Reservoir should be strengthened by the Construction of a new Dam within the existing Dam, but the same cannot be done without contracting the Dimensions and diminishing the Capacity of such Reservoir: And whereas it is expedient that a Reservoir should be constructed on the said *Windleden Clough Beck* to impound the Waters of the said Beck, and provide thereout Compensation to the Millowners on the River *Dun*, and that the Provisions of the recited Acts relating to the said Millowners should

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

should be amended: And whereas it is expedient that a new Mode should be adopted for distributing the Water available for the Supply of the several Districts of the United Boards, and for this Purpose that the United Boards should be authorized to construct certain new Reservoirs and Aqueducts or Lines of Pipes in connexion therewith respectively in the respective Townships and Parishes of *Dewsbury* and *Batley*: And whereas a Plan and Section of the proposed new Works showing the Line and Levels thereof respectively, and a Book of Reference to the Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands proposed to be taken under the Powers of this Act, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*, and are herein-after respectively referred to as the deposited Plan, Section, and Book of Reference: And whereas since the passing of the Act of 1861 a Charter of Incorporation has been granted to the Town of *Dewsbury*, and the Powers of the Local Board of Health for the District of *Dewsbury* are now vested in the Mayor, Aldermen, and Burgesses of that Borough: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may for any Purpose be cited as "*The Dewsbury, Batley, and Heckmondwike Waterworks Amendment Act, 1867.*" Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the Sections and Provisions of "The Waterworks Clauses Act, 1847," with respect to the several Matters following, that is to say, the Construction of the Waterworks, the Construction of Works for the Accommodation of Lands adjoining the Waterworks, Mines, the Provisions for guarding against fouling the Water of the Undertakers, Tender of Amends, the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and Access to the Special Act, "The Waterworks Clauses Act, 1863," and the Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are (except where expressly varied by this Act) incorporated with and form Part of this Act; and in construing such Acts for the Purposes of this Act the Expressions "the Undertakers" and "the Promoters of the Undertaking" shall mean the United Boards. 8 & 9 Vict. c. 18.,  
10 & 11 Vict. c. 17.,  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. c. 93. incorporated.

3. The

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

Construc-  
tion of Act.

3. The Acts of 1856 and 1861 shall, so far as is consistent with the Provisions of this Act, be construed together with and form Part of this Act.

Interpreta-  
tion of  
Terms.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction :

The Expression "*Dewsbury Board*" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Dewsbury* being and acting as the Local Board of Health for the Borough and District of *Dewsbury* :

The Expression "*Batley Board*" shall mean the Local Board of Health for the District of *Batley* :

The Expression "*Heckmondwike Board*" shall mean the Local Board of Health for the District of *Heckmondwike* :

The Expressions "*United Boards*" or "*Local Boards*" shall mean the *Dewsbury Board*, the *Batley Board*, and the *Heckmondwike Board* :

The Word "*Millowners*" shall have the same Meaning as in the Acts of 1856 and 1861 :

The Expression "*Superior Courts*" or "*Court of competent Jurisdiction,*" or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute :

The Expressions in the Acts wholly or partially incorporated herewith "*Undertakers*," and "*the Promoters of the Undertaking*" shall mean the *United Boards*.

Local Boards  
united for  
Purposes of  
this Act.

5. The *Dewsbury Board*, the *Batley Board*, and the *Heckmondwike Board* are united as well for the Purposes of this Act as for the Purposes of the recited Acts.

Powers of  
United  
Boards, how  
to be exer-  
cised.

6. All Powers by this Act vested in the *United Boards* collectively shall be exercised by the Committee appointed under the Provisions of the Act of 1856 as if such Powers had been conferred by that Act.

Power to  
make Water-  
works ac-  
cording to  
deposited  
Plans.

7. Subject to the Provisions of this Act, the *United Boards* may make and maintain in the Line and according to the Levels shown on the deposited Plan and Section the Waterworks herein-after described, with all proper Works and Conveniences connected therewith respectively, and may enter upon, purchase, take, and use such  
of

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

of the Lands delineated on the said Plan, and described in the deposited Book of Reference, as may be required for that Purpose. The Waterworks herein-before referred to and authorized by this Act are,—

A Reservoir (in this Act called Reservoir No. 1) in the Township of *Thurlston* in the Parish of *Penistone* in the West Riding of the County of *York*, on the *Windleden Clough Beck*, the Embankment of which will be Fifty Yards or thereabouts above the Point where the Southern Boundary of the *Bance Edge* Plantation crosses the said Beck :

A Reservoir (in this Act called Reservoir No. 2) in the Township and Parish of *Batley* in the said West Riding, on the East Side of the existing *Staincliffe* Reservoir :

An Aqueduct or Line of Pipes from Reservoir No. 2 to *Dewsbury Gate* in the Township and Parish of *Dewsbury* in the said West Riding :

An Aqueduct or Line of Pipes from the Pipe which conveys Water into the *Staincliffe* Reservoir to Reservoir No. 2 :

An Aqueduct or Line of Pipes from Reservoir No. 2 to the Pipe which conveys Water from the *Staincliffe* Reservoir to *Heckmondwike* :

A Reservoir (in this Act called Reservoir No. 3) in the said Township and Parish of *Dewsbury* in a Field midway or thereabouts between *Dewsbury Gate* and *Squirrel Hill* :

An Aqueduct or Line of Pipes from the Pipe under the Road adjoining the said Field to Reservoir No. 3 :

An Alteration of the Dam or Embankment of the *Dunford Bridge* Reservoir, or the Construction of a new Dam or Embankment within the Site of the said Reservoir :

And the United Boards may, in the Construction of the said Works, deviate laterally from the Line laid down on the Plan to any Extent not exceeding the Limits of lateral Deviation defined thereon, and from the Levels defined on the said Section to any Extent not exceeding Five Feet, and may take or purchase, and appropriate to the Purposes of the Undertaking, all or any Springs, Streams, Waters, and Watercourses arising, flowing, or passing in, through, upon, or into all or any of the said intended Reservoirs, or the Sites thereof respectively, and the Rights and Privileges incidental thereto.

8. The Works by this Act authorized shall form Part of the Undertaking of the United Boards as if they had been authorized by the Acts, or any of them, relating to the United Boards.

Authorized Works to form Part of Undertaking.

9. Provided always, That nothing in this Act contained shall authorize the United Boards to divert into the said intended Reservoirs

Certain Waters not to be taken

[Local.]

10 C

voirs

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

voirs and Works, or any of them, or into any of the existing Reservoirs or Works of the United Boards, any of the Waters which by "The *Barnsley* Local Board Act, 1862," the *Barnsley* Local Board of Health are authorized to divert, impound, take, and use for the several Purposes authorized by that Act.

Power to borrow on Securities herein named.

**10.** It shall be lawful for each of the Local Boards to borrow for the Purposes of the recited Acts and of this Act, upon the Security of the Works by such Acts authorized or vested in the United Boards, and of the Rents and Rates authorized to be made and levied by the Local Boards, in addition to the Sums authorized to be borrowed by the recited Acts, any Sum or Sums of Money not exceeding, as regards the *Dewsbury* Board, Twenty-seven thousand Pounds, and as regards the *Batley* Board Eighteen thousand Pounds, and as regards the *Heckmondwike* Board Nine thousand Pounds; and all the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be applicable to the borrowing of such Sum or Sums of Money by each of the said Boards, and shall be read and construed as if the Names or Descriptions of each of the said Boards (either conjointly or separately, as the Context may require) had been inserted therein instead of the Word "Commissioners" whenever that Word occurs.

Re-borrowing.

**11.** If, after having borrowed the whole or any Part of the Monies which they are by this Act authorized to borrow, any of the Local Boards shall pay off the same, or any Part thereof, by any Means except by the Application of the Sinking and Depreciation Fund to be set apart under the Provisions of this Act, it shall be lawful for them again to borrow in the Manner aforesaid the said Sums or the Part thereof so paid off, and so from Time to Time.

Arrears may be enforced by Appointment of a Receiver.

**12.** The Mortgagees of each Local Board may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages granted under the recited Acts or either of them, or this Act, by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than One Tenth Part of the entire Mortgage Debt for the Time being of the Local Board in respect of whose Mortgages the Application for a Receiver is made, or if such entire Mortgage Debt exceeds One hundred thousand Pounds, then there shall not be less than Ten thousand Pounds in the whole.

**13.** All

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

13. All Mortgages granted by any of the Local Boards before the passing of this Act shall, during the Continuance thereof, have Priority over all Mortgages granted by the same Boards under the Powers of this Act.

Former  
Mortgages  
to have  
Priority.

14. It shall be lawful for each of the Local Boards and they are hereby required annually to set apart out of the Monies carried to the Credit of the Water Account by the Act of 1856 required to be kept by them a Sum not less than Two Pounds Five Shillings *per Centum per Annum* upon the Amount borrowed by them under the Powers of this Act, and the Sum or Sums so set apart shall be carried to an Account to be called "The Sinking and Depreciation Fund," and such Sinking and Depreciation Fund shall be from Time to Time applicable to the Redemption of Mortgages, and, after all the Mortgages to the Discharge of which it shall be applicable shall have been paid off, to the Restoration and Improvement of the Works by the recited Act and this Act authorized or vested in the United Boards, and to no other Purpose whatsoever.

Sinking and  
Depreciation  
Fund.

15. All Monies which from Time to Time shall be received by the Dewsbury Board under the Powers of this Act and the recited Acts (except Money borrowed on Mortgage) shall be applicable as follows; (that is to say,)

Application  
of Receipts  
of Dewsbury  
Board.

First, in paying their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act;

Secondly, in paying the Interest of all Monies borrowed by them under the Powers of this Act, or of the Act of 1856 and the Act of 1861, and for the Time being remaining due;

Thirdly, in paying their Proportion of the Expenses of maintaining the Waterworks of the United Boards, and the other Expenses of the United Boards;

Fourthly, in setting apart and appropriating from Time to Time the Sinking and Depreciation Fund in this Act mentioned;

Fifthly, in repairing, maintaining, and extending the Waterworks within their District, and in paying their Proportion of Expenses incurred by the United Boards in repairing and extending the Waterworks of the United Boards, and in paying any other Expenses incurred in carrying the recited Acts and this Act into execution;

And, lastly, in paying off all Principal Monies borrowed by them under the Powers of the recited Acts and this Act, and for the Time being remaining due.

16. All

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

Application  
of Money  
borrowed by  
Dewsbury  
Board under  
this Act.

**16.** All Monies borrowed by the *Dewsbury* Board under the Powers of this Act shall be applicable as follows; that is to say,  
First, in paying or repaying to the Revenue Account their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act:  
Secondly, in paying their Proportion of the Expenses of constructing and extending the Waterworks by this Act or the recited Acts authorized.

Application  
of Receipts  
of Batley  
Board.

**17.** All Monies which from Time to Time shall be received by the *Batley* Board under the Powers of this Act and the recited Acts (except Money borrowed on Mortgage) shall be applied as follows; that is to say,

First, in paying their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining or passing of this Act;

Secondly, in paying the Interest of all Monies borrowed by them under the Powers of this Act, or of the Act of 1856 and the Act of 1861, and for the Time being remaining due;

Thirdly, in paying their Proportion of the Expenses of maintaining the Waterworks of the United Boards, and the other Expenses of the United Boards;

Fourthly, in setting apart and appropriating from Time to Time the Sinking and Depreciation Fund in this Act mentioned;

Fifthly, in repairing, maintaining, and extending the Waterworks within their District, and in paying their Proportion of the Expenses incurred by the United Boards in repairing and extending the Waterworks of the United Boards, and in paying any other Expenses incurred in carrying the recited Acts and this Act into execution;

And, lastly, in paying off all Principal Monies borrowed by them under the Powers of the recited Acts and this Act, and for the Time being remaining due.

Application  
of Money  
borrowed by  
Batley Board  
under the  
Powers of  
this Act.

**18.** All Monies borrowed by the *Batley* Board under the Powers of this Act shall be applicable as follows; that is to say,

First, in paying or repaying to the Revenue Account their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act:

Secondly, in paying their Proportion of the Expenses of constructing and extending the Waterworks by this Act or the recited Acts authorized.

Application  
of Receipts

**19.** All Monies which from Time to Time shall be received by the *Heckmondwike* Board under the Powers of this Act and the recited



*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

recited Acts (except Money borrowed on Mortgage) shall be applied as follows; (that is to say,) of Heckmondwike Board.

First, in paying their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act;

Secondly, in paying the Interest of all Monies borrowed by them under the Powers of this Act, or of the Act of 1856 and the Act of 1861, and for the Time being remaining due;

Thirdly, in paying their Proportion of the Expenses of maintaining the Waterworks of the United Boards, and the other Expenses of the United Boards;

Fourthly, in setting apart and appropriating from Time to Time the Sinking and Depreciating Fund in this Act mentioned;

Fifthly, in repairing, maintaining, and extending the Waterworks within their District, and in paying their Proportion of the Expenses incurred by the United Boards in repairing and extending the Waterworks of the United Boards, and in paying any other Expenses incurred in carrying the recited Acts and this Act into execution;

And, lastly, in paying off all Principal Monies borrowed by them under the recited Acts and this Act, and for the Time being remaining due.

**20.** All Monies borrowed by the *Heckmondwike* Board under the Powers of this Act shall be applicable as follows; (that is to say,) Application of Money borrowed by Heckmondwike Board under the Powers of this Act.

First, in paying or repaying to the Revenue Account their Proportion of the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act:

Secondly, in paying their Proportion of the Expenses of constructing and extending the Waterworks by this Act or the recited Acts authorized.

**21.** All the Powers and Provisions of Sections 101 to 112 inclusive of the Act of 1856 shall form Part of this Act, and also be deemed to extend to the making, levying, and Recovery of Water Rates and Rents, for the Payment of Expenses already incurred, or for future Expenses to be incurred in the Execution of this Act and of the recited Acts. Power to levy Rates and Rents.

**22.** And whereas the United Boards have purchased Six Acres and a Half of Land or thereabouts in the Township of *Foolstone* in the Parish of *Kirkburton* for the Deposit of Spoil or other Purposes of their Undertaking: Be it enacted, That the United Boards may hold and enjoy such Land and pay for the Purchase thereof out of the Monies which they are authorized to raise under the recited Acts Power to hold certain Land in Foolstone, and to purchase by Agreement Lands and Easements.

[Local.]

10 D

and

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

and this Act, or any of them, and may by Agreement purchase any other Lands which they may require for the Purposes of their Undertaking, not exceeding in the whole, including the said Land in the Township of *Foolstone*, Twenty Acres, and also any Easement, Right, or Privilege in, over, or affecting any Lands, not being a Right, Power, or Privilege to divert or take Water which they may think requisite for any of the Purposes of this Act or of the recited Acts: Provided always, that it shall not be lawful for the United Boards in respect of such Lands so to be acquired to exercise the Powers to sink Wells and Shafts for obtaining Water contained in Section 12 of "The Waterworks Clauses Act, 1847."

Owners  
may grant  
Easements.

**23.** The Persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell and convey or release Lands shall, subject to the Provisions of those Acts respectively, have full Power to grant to the United Boards in Fee, either absolutely or in consideration of a perpetual yearly Rentcharge, any Lands, or any Right or Easement in, over, or under any Lands by this Act authorized to be purchased by the United Boards compulsorily or by Agreement, and which the United Boards may from Time to Time think requisite for any of the Purposes of their Waterworks Undertaking.

Applica-  
tion of  
23 & 24 Vict.  
c. 106. to  
Easements.

**24.** For the Purposes of this Act the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Lands and Rentcharges, shall extend and apply to Easements and Rentcharges granted or reserved by Grants of Easements under this Act.

Powers for  
compulsory  
Purchases  
limited.

**25.** The Powers of the United Boards for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for  
Completion  
of Works.

**26.** The Reservoirs and Works by this Act authorized and defined on the deposited Plan shall be completed within Seven Years after the passing of this Act, and if at the Expiration of such Period the same are not completed, the Powers by this Act given for the Construction thereof, and otherwise in relation thereto, shall cease to be exercised, except as to such of the respective Works as shall be then completed.

Reserving  
Rights of  
Shooting  
and Fishing  
to J. S. Stan-  
hope, Esq.

**27.** Inasmuch as *John Spencer Stanhope* of *Cannon Hall* in the County of *York* Esquire is or claims to be the Owner of Land on which the Reservoir No. 1 is to be constructed: Be it enacted, That the sole

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

sole and exclusive Right of fishing in or shooting on or near the said Reservoir at all reasonable Times, and of keeping Boats thereon for that Purpose, is hereby saved and reserved to the said *John Spencer Stanhope*, his Heirs and Assigns, or other the Owner for the Time being of the *Cannon Hall* Estate, he and they doing no Damage to the said Reservoir or the Embankments thereof, or the Works and Property of the United Boards: Provided always, that it shall not be lawful for the said *John Spencer Stanhope*, his Heirs or Assigns, to fish with Nets in the said Reservoir.

28. So much of the Act of 1856 as requires that the *Dunford Bridge* Reservoir shall be of the Capacity and of the Form and Mode of Construction therein mentioned is hereby repealed, and instead thereof be it enacted, That the said Reservoir and Reservoir No. 1 by this Act authorized shall respectively be of such Capacity and of such Form and Mode of Construction as to be capable together of permanently holding at the least Forty Millions of Cubic Feet of Water.

Reservoir  
No. 1 and  
the *Dunford*  
*Bridge*  
Reservoir to  
be of certain  
Capacity.

29. The United Boards, before taking any Water for the Purposes of this Act or the Act of 1856, shall supply for the Use of the Millowners and of the River *Dun* Navigation, over the Gauges and Weirs by this Act or by the Act of 1856 directed to be constructed, Two Millions of Gallons of Water, under the Provisions of the Act of 1856 or under the Provisions of this Act, in each and every successive Period of Twenty-four Hours of each working Day in the Year, but at such Times and in such Proportions during each such Period of Twenty-four Hours as the Millowners and the *South Yorkshire* Railway and River *Dun* Company and the *Manchester, Sheffield, and Lincolnshire* Railway Company may from Time to Time determine.

Supply of  
Water to  
Millowners,  
&c.

30. The United Boards shall cause to be erected and shall for ever after maintain to the Satisfaction of the Engineer of the Millowners, and of the Engineer of the *South Yorkshire* Railway and River *Dun* Company, and of the Engineer of the *Manchester, Sheffield, and Lincolnshire* Railway Company, a Gauge or Weir in connexion with Reservoir No. 1, with proper Valves and Pipes for the Purpose of regulating the Flow of Water out of the same Reservoir for the Use of the Mills and Works on the River *Dun*, and of the River *Dun* Navigation below the said Reservoir, and such Gauge or Weir shall be so made and regulated as that Two Millions of Gallons of Water shall be capable of flowing through or over such Gauge or Weir out of the said Reservoir in each and every successive Period of Twenty-four Hours of each working Day in the Year.

Gauge to be  
erected for  
regulating  
Flow of  
Water out of  
Reservoir  
No. 1.

31. The

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

Millowners  
Supply to be  
taken in the  
first in-  
stance from  
Reservoir  
No. 1, and  
afterwards  
from Dun-  
ford Bridge  
Reservoir.

**31.** The Two Millions of Gallons of Water *per* Day to which the Millowners and the River *Dun* Navigation are entitled as aforesaid may be drawn off from Reservoir No. 1 when and so long as there is sufficient Water in that Reservoir to furnish such Supply, but whenever and so long as the Water in that Reservoir does not furnish such Supply the said Two Millions of Gallons of Water *per* Day shall be drawn off from the *Dunford Bridge* Reservoir, as provided by the Act of 1856.

Gauge, &c.  
to be exam-  
ined and  
certified by  
Engineers of  
Millowners  
and South  
Yorkshire  
Railway and  
River Dun  
Companies.

**32.** When such Gauges and Pipes shall have been erected and completed, they shall be examined by and, if approved of, be certified by the Engineer of the Millowners and the Engineers of the *South Yorkshire* Railway and River *Dun* Company and of the *Manchester, Sheffield, and Lincolnshire* Railway Company for the Time being, and such Examination shall from Time to Time be made as may be required to certify the proper Repair and Efficiency of the same; but if any Dispute shall arise at any Time or Times as to the Efficiency or proper Repair of the said Gauges, Pipes, and Weirs, or as to any other Matter or Thing relating to the Works authorized by this or any of the recited Acts, such Dispute shall be referred to the Arbitration of Two competent Engineers, one to be appointed by the United Boards, and the other by the Millowners and the *South Yorkshire* Railway and River *Dun* and *Manchester, Sheffield, and Lincolnshire* Railway Company, or to an Umpire to be chosen by such Engineers in case they disagree, and the Award of such Arbitrators or their Umpire upon the Question so referred to them shall be conclusive, and all Provisions of the "Lands Clauses Consolidation Act, 1845," with reference to the Decision of Disputes by Arbitration, shall apply to such Arbitration.

Extending  
certain Pro-  
visions of  
Act of 1856.

**33.** The Provisions of the 71st Section of the Act of 1856 with respect to the making good of any Damages which may arise from or be done by the Failure or giving way of the Works of the United Boards, and of the 72nd Section of the same Act for the Protection of the Navigation of the River *Dun*, shall continue in force, and shall apply to the Reservoirs and Works authorized under and by virtue of this Act to be constructed as if the same Works had been authorized and constructed under and by virtue of the Act of 1856.

Certain Pro-  
vision of  
19 & 20 Vict.  
c. xxxvi.  
to extend to  
Railway, &c.  
herein  
named.

**34.** In the Provisions contained in the Act of 1856 for the Protection and Compensation of the Millowners, and in the Clauses respecting Remedies and Penalties for enforcing such Provisions, the Word Millowners shall be taken and read as including also the *South Yorkshire* Railway and River *Dun* Company, and the *Manchester, Sheffield, and Lincolnshire* Railway Company.

**35.** In

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

**35.** In every Year the United Boards at their First Meeting in the Month of *April* may, if they think fit, nominate a proper Person to act as Standing Arbitrator between the United Boards and the Millowners for the Year then ensuing, and shall forthwith give Notice of such Nomination to the Millowners; and the Millowners at any Meeting to be convened under the Provisions of the Act of 1856 in the same Month of *April* may, if they think fit, nominate a proper Person to act as such Standing Arbitrator for the Year then ensuing, and shall forthwith give Notice of such Nomination to the United Boards, and if the United Boards and the Millowners do not nominate the same Person to act as such Arbitrator, and do not before the Expiration of the same Month of *April* agree in the Appointment of the same Person to act as such Standing Arbitrator, the Board of Trade may, at the Instance of either Party, appoint a Standing Arbitrator for that Year; and if in any Year either of the said Parties do not at such Meeting as is herein-before mentioned nominate a Standing Arbitrator, the Person nominated by the other Party shall be the Standing Arbitrator for that Year; and if in any Year neither of the said Parties nominate a Standing Arbitrator in manner aforesaid, the Standing Arbitrator for the previous Year shall be deemed to have been re-appointed, or, if there was no Standing Arbitrator for the previous Year, the Board of Trade may, at the Instance of either Party, appoint a Standing Arbitrator for that Year.

Provision  
for Appoint-  
ment of  
Standing  
Arbitrator.

**36.** The Standing Arbitrator in every Year shall go out of Office so soon as his Successor is appointed, except for the Purpose of giving his Decision or Award on any Matter previously referred to him, but shall be eligible for Re-appointment.

Arbitrator  
to go out of  
Office at the  
End of the  
Year, but  
re-eligible.

**37.** The Standing Arbitrator may at any Time be removed from his Office, by and with the Concurrence of the United Boards and the Millowners, and whenever before the Expiration of his Term of Office any Standing Arbitrator shall die, or resign, or be removed from his Office, another Standing Arbitrator may, within One Month thereafter, be appointed in his Place by the United Boards and the Millowners, or by One of the said Parties only, in manner herein-before provided with respect to the annual Appointment of a Standing Arbitrator, or may subsequently, at the Instance of either Party, be appointed by the Board of Trade as herein-before provided; and any Standing Arbitrator appointed in the Place of another Standing Arbitrator, and not at the annual Election, shall go out of Office at the same Time as the Person in whose Place he is appointed would have gone out of Office, but shall be eligible for Re-appointment.

As to  
Removal of  
Standing  
Arbitrator,  
and supply-  
ing occa-  
sional  
Vacancies.

*The Dewsbury, Batley, and Heckmondwike Waterworks  
Amendment Act, 1867.*

Millowners  
Clauses in  
existing  
Acts con-  
tinued and  
extend to  
Reservoir  
No. 1.

**38.** The Provisions of the Acts of 1856 and 1861 for the Protection of the Millowners, and the *South Yorkshire Railway and River Dun Company*, and the *Manchester, Sheffield, and Lincolnshire Railway Company*, so far as not expressly altered by this Act, shall be read and shall apply to Reservoir No. 1, and the Gauge or Weir and Works to be made in connexion therewith, as if the same had been authorized and required to be constructed as Part of the Works for the Protection of the Millowners by the Act of 1856, save only that Section 61 of the Act of 1856 shall, when applied to Reservoir No. 1, or the Gauge or Weir or Works to be made in connexion therewith, be read as if the Words "First Day of *August 1871*" were contained therein instead of the Words "Fourth Day of *August 1857*."

Provisions  
as to future  
General  
Acts.

**39.** Nothing in this or the incorporated Acts contained shall be deemed to exempt the United Boards or any of the Local Boards from any General Act relating to Waterworks, or any Act for improving the sanitary Condition of Towns, which may be passed in the present or any future Session of Parliament.

Saving  
Rights of  
Millowners.

**40.** Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Protection, Powers, Authorities, or Privileges of the Millowners, or of the *South Yorkshire Railway and River Dun Company*, or of the *Manchester and Sheffield and Lincolnshire Railway Company*, under the recited Acts or otherwise.

Expenses of  
Act.

**41.** The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the United Boards.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1867.