



CHAP. xl.

An Act to make better provision for the Supply of Water to the Borough of Batley in the West Riding of the County of York, and to authorise the construction of Waterworks by the Corporation of that Borough, and the sale of their share in the Dewsbury, Batley, and Heckmondwike Waterworks ; and for other purposes. A.D. 1871.
[16th June 1871.]

WHEREAS by the Dewsbury, Batley, and Heckmondwike Waterworks Act, 1856, (in this Act called the Act of 1856,) the local boards of health for the districts of Dewsbury, Batley, and Heckmondwike, respectively therein called the united boards, were authorised to construct certain waterworks for the supply of their respective districts with water, which was to be divided amongst them in certain proportions, and each board was to provide for the distribution of its proportion of water within its own district : 19 & 20 Vict.
c. xxxvi.

And whereas the said Act has been amended by the Dewsbury, Batley, and Heckmondwike Waterworks Act, 1861, (in this Act called the Act of 1861,) and the Dewsbury, Batley, and Heckmondwike Waterworks Act, 1867, (in this Act called the Act of 1867,) and the works authorised by the said Acts (in this Act called the Dewsbury, Batley, and Heckmondwike Waterworks) are partially completed, and the district (now the borough) of Batley derives its only supply of water from its proportion of the water provided by means of such waterworks : 24 & 25 Vict.
c. xxxiii.
30 & 31 Vict.
c. lxii.

And whereas the district of Dewsbury is now a municipal borough, and the powers of the local board of health for the district of Dewsbury under the said Acts are now vested in the mayor, aldermen, and burgesses of the borough of Dewsbury (in this Act called the Dewsbury Corporation), and the district of Batley is now a municipal borough, and the powers of the local board of health for the district of Batley under the said Acts are now vested in the mayor, aldermen, and burgesses of the borough of Batley (in this Act called "the Corporation") :

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And whereas since the passing of the said Acts the population and buildings within the district or borough of Batley have very greatly increased, and are still rapidly increasing, and the quantity of water which can be procured by means of the Dewsbury, Batley, and Heckmondwike Waterworks, and which is available for the said borough, is very inadequate to supply the wants thereof, whether for domestic, trading, or other purposes :

And whereas an abundant supply of good and wholesome water for the borough of Batley can be procured from certain streams in the townships of Holme, Cartworth, Upper Thong, and Austonley, otherwise Austonley Detached, in the parishes of Almondbury and Kirkburton in the west riding of the county of York, by means of certain reservoirs, aqueducts, and other works, and it is expedient that the Corporation should be authorised to construct and maintain such reservoirs, aqueducts, and works :

And whereas a plan and section showing the situation, lines, and levels of the said reservoirs, aqueducts, and works, and the lands in or upon which the same are intended to be made, or which may be taken under the compulsory powers of purchase conferred by this Act, and a book of reference to the plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace of the west riding of the county of York, and the same are in this Act respectively referred to as the deposited plan, section, and book of reference :

And whereas the reservoirs shown on the deposited plan are named thereon as follows, (that is to say,) Yateholme Reservoir, Riding Wood Reservoir, Ramsden Reservoir, Holme Reservoir, and Batley Reservoir, and the same are in this Act referred to by the same respective names :

And whereas it has been agreed between the Corporation, the Dewsbury Corporation, and the local board of health for the district of Heckmondwike (in this Act called the Heckmondwike Board), that the share and interest of the Corporation in the Dewsbury, Batley, and Heckmondwike Waterworks shall be sold and transferred to the Dewsbury Corporation and the Heckmondwike Board in the proportions, and for the price, and subject to the terms and conditions mentioned and provided for in this Act, and it is expedient that the Corporation should be empowered to sell and transfer to the Dewsbury Corporation and the Heckmondwike Board, and that the Dewsbury Corporation and Heckmondwike Board should respectively be authorised to purchase the same accordingly :

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; (that is to say,) A.D. 1871.

1. This Act may for all purposes be cited as *The Batley Corporation Waterworks Act*, 1871. Short title.

2. The *Lands Clauses Consolidation Act*, 1845, the *Lands Clauses Consolidation Acts Amendment Act*, 1860, the *Lands Clauses Consolidation Act*, 1869, the *Waterworks Clauses Act*, 1847, the *Waterworks Clauses Act*, 1863, the several provisions of the *Commissioners Clauses Act*, 1847, with respect to the mortgages to be executed by the commissioners, and the several provisions of the *Railways Clauses Consolidation Act*, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, shall (except where varied by this Act) be incorporated with this Act, and such Acts and portions of Acts are in this Act referred to as the incorporated Acts; and in construing such Acts and provisions respectively in connexion with this Act, the expressions "the promoters of the undertaking," "the undertakers," "the commissioners," and "the Company," respectively, shall mean the Corporation; and the said provisions of the *Railways Clauses Consolidation Act*, 1845, shall be read so as to apply only to the reservoirs by this Act authorised, and the works immediately connected therewith, and as if such reservoirs and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoirs and works were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the reservoirs. Provisions of general Acts herein named incorporated.

3. In this Act the several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings, and in this Act and the incorporated Acts the following words and expressions shall have the meanings hereby assigned them, unless in either case there be something in the subject or context repugnant to such construction; that is to say, Interpretation of terms.

The expression "the borough" shall mean the borough of Batley:

The expression "the Dewsbury Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Dewsbury, and the local board of health for the district of Dewsbury prior to their incorporation:

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The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Batley, and the local board of health for the district of Batley prior to their incorporation :

The expression "the Heckmondwike Board" shall mean the local board of health for the district of Heckmondwike :

The expression "the united boards" shall have the same meaning as in the recited Acts :

The expression "superior courts," or "court of competent jurisdiction," or any other like expression, 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.

Act to be executed by Corporation.

4. This Act shall be carried into execution by the mayor, aldermen, and burgesses of the borough of Batley, acting by the council of the borough, pursuant to the powers and provisions of the Act of the fifth and sixth of William the Fourth, chapter seventy-six, for the regulation of municipal corporations, and the other laws from time to time in force affecting the municipal corporation of the borough of Batley.

Corporation may appoint a waterworks committee.

5. The Corporation from time to time may appoint out of their own body a committee, to be called the waterworks committee, consisting of such number of persons as they think fit, for any of the purposes of the recited Acts and this Act respectively, or of their waterworks undertaking, which in the discretion of the Corporation would be better regulated and managed by means of such committee: Provided that the acts of every such committee shall, in case the Corporation so order, but not otherwise, be submitted to the Corporation for their approval.

Minutes of proceedings of council, &c. and waterworks committee to be evidence.

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

inspection of any member of the council and of any mortgagee of the rates or property of the Corporation under this Act. A.D. 1871.

7. Subject to the provisions of this Act and of the incorporated Acts, the Corporation may make and maintain the several works shown on the deposited plan, together with all necessary works and conveniences connected therewith or incident thereto, and may make and maintain the same in the lines and situation shown on the deposited plan, and upon the levels shown on the deposited section, and in, over, or under the lands delineated on the deposited plan and described in the deposited book of reference, and for those purposes may enter upon, purchase, take, and use such of the said lands delineated on the deposited plan and described in the deposited book of reference as shall be necessary for the purposes of this Act, and may impound, take, and divert into or by means of the said works, or any of them, the streams or waters of the Great Bent Dike, Ramsden Clough, Netherley Clough, Rake Dike, River Holme, and affluents thereof and therein, and all or any other streams or waters which are capable of being intercepted or collected by means of the intended works, and are described on the deposited plan as intended to be taken, and may stop up all highways, roads, and ways within the limits of deviation defined on the deposited plan which are shown thereon as intended to be stopped up, or which are upon the site of any reservoir to be constructed under this Act, or may be covered or washed by the waters thereof, and may appropriate for the purposes of this Act the sites of the highways, roads, and ways so stopped up.

Power to make water-works according to deposited plans.

8. The reservoirs, aqueducts, and works herein-before referred to and authorised by this Act are in the west riding of the county of York, and are as follows : Description of works.

1. A reservoir (in this Act called the Yateholme Reservoir) on the Great Bent Dike, in the townships of and Austonley, otherwise , and parish of Almondsbury :
2. A reservoir (in this Act called the Riding Wood Reservoir) on the Ramsden Clough in the said township of Holme, and in the township of Cartworth in the parish of Kirkburton :
3. A reservoir (in this Act called the Ramsden Reservoir) on the Ramsden Clough and Netherley Clough, in the said townships of Holme and Cartworth :
4. A reservoir (in this Act called the Holme Reservoir), on the River Holme, the Ramsden Clough, and Rake Dike, in the said townships of Holme and Cartworth :

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5. A reservoir (in this Act called the Batley Reservoir) on land belonging to the Corporation, in the township and parish of Batley :
6. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 1), from the Ramsden Clough to the Yateholme Reservoir :
7. A road from Intake Lane, near Great Bent Bridge, to the same lane near Yateholme Cote :
8. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 2), from the Ramsden Clough, or the Riding Wood Reservoir to near Brownhill Mills :
9. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 3), from the Great Bent Dike or Yateholme Reservoir to Aqueduct No. 2 :
10. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 4), from Aqueduct No. 3 to the Great Bent Dike :
11. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 5), from the Ramsden Clough or Ramsden Reservoir to Aqueduct No. 2 :
12. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 6), from the River Holme or Holme Reservoir to Aqueduct No. 8, herein-after described :
13. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 7), from the Ramsden Clough to the River Holme :
14. A road in the said townships of Holme and Cartworth, from the road called Rake Stones to Brownhill Lane :
15. 16. Two roads in the said township of Cartworth, from Brownhill Lane to two different points in that township :
17. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 8), from a point in the said township of Holme near Brownhill Mills to the Batley Reservoir :
18. An aqueduct, conduit, or line of pipes (in this Act called Aqueduct No. 9), from the Batley Reservoir to the road called Staincliffe Hall Road.

Limits of lateral and vertical deviations.

9. In the construction of the reservoirs and works authorised by this Act, the Corporation may deviate laterally from the lines thereof as shown on the deposited plans and described in the book of reference to the extent of the limits of lateral deviation marked thereon, and may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding five feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding five feet upwards or seven

feet downwards; but if it be found necessary or expedient in the construction of those works to place the embankment of any such reservoir higher up the valley in which it is situate than the site thereof shown on the deposited plans, they may within the limits of deviation in the construction thereof, and of the works connected therewith, deviate vertically from the levels of such embankment and reservoir and the works connected therewith shown on the deposited sections.

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10. The powers of the Corporation under this Act for the compulsory purchase of lands shall not be exercised after the expiration of five years from the passing of this Act.

Powers for compulsory purchases limited.

11. If the works by this Act authorised and shown on the deposited plans shall not be completed within fifteen years from the passing of this Act, then on the expiration of that period the powers of the Corporation under this Act for making the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed.

Period within which works to be completed.

12. In addition to the lands which the Corporation are by this Act authorised to purchase compulsorily, they may from time to time by agreement purchase, in consideration of a sum in gross or of a perpetual yearly rentcharge, or partly for one consideration and partly for the other, any additional quantity of land not exceeding in the whole twenty-five acres, or any easement or right (not being an easement or right to take water in which other than parties to the agreement have a right or interest) in, over, or under any such additional lands which the Corporation may from time to time think requisite for any of the purposes of their waterworks undertaking.

Power to purchase additional lands by agreement.

13. 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 Corporation 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 authorised to be purchased by the Corporation compulsorily or by agreement, and which the Corporation may from time to time think requisite for any of the purposes of their waterworks undertaking.

Owners may grant easements.

14. 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.

Application of Lands Clauses Consolidation Acts Amendment Act, 1860, to easements.

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For the protection of the bridges repairable by inhabitants of the west riding.

15. Whenever the Corporation, in the execution of the powers of this Act, shall require to lay down, alter, repair, or replace any mains or pipes upon, over, or across, or along the side of, or to construct any works affecting the several bridges repairable by the inhabitants of the west riding of the county of York, or the approaches thereto, such mains or pipes shall be laid and such works constructed to the reasonable satisfaction of the surveyor of bridges for the time being of the west riding, and according to plans and sections previously approved in writing by such surveyor and the engineer of the Corporation for the time being, and such plans and sections shall, in case of difference, be settled by arbitration in manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and the Corporation shall make good all damage to such bridges and approaches caused by the execution and future maintenance of the works.

For the protection of the Lancashire and Yorkshire Railway Company.

16. In constructing and maintaining the works by this Act authorised affecting the Lancashire and Yorkshire Railway Company, the Corporation shall be subject to the following conditions; viz.,

All works affecting the Lancashire and Yorkshire Railway shall be executed at the expense of the Corporation, under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans and specifications previously submitted to the said engineer; and if the engineers of the Corporation and of the Lancashire and Yorkshire Railway Company differ concerning the said plans and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the two engineers, or if they cannot agree upon a referee, then by an engineer to be appointed by the Board of Trade on the application of either party:

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

The Corporation shall require only an easement in and upon such of the works, lands, and property of the Lancashire and Yorkshire Railway Company as may be necessary for constructing and maintaining the main pipes hereby authorised to be laid:

If by reason of the construction and maintenance of the works by this Act authorised the Lancashire and Yorkshire Railway, or any of the works connected therewith, shall be damaged or injured, the Corporation shall compensate the Lancashire and

Yorkshire Railway Company for any loss or expense occasioned thereby : A.D. 1871.

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

17. Whenever the Corporation, in the execution of the powers of this Act, shall require to lay down, repair, alter, or replace any mains or pipes upon, through, over, across, or under, or to construct any works affecting any railway or the canal belonging to the London and North-western Railway Company, or the works or conveniences thereto appertaining, or upon any lands of that Company, such mains or pipes shall be laid and such works constructed and maintained under the superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and according to such plans, sections, and specifications as to position, direction, width across, height over, depth under, levels, and supports, as shall be previously approved by such engineer and the engineer of the Corporation; or in case such two engineers shall differ thereon, then as shall be settled by an engineer to be appointed by such engineers, or if they cannot agree upon an umpire, then by an engineer to be appointed by the Board of Trade on the application of either the Company or the Corporation.

As to the works affecting railway and canal of London and North-western Railway Company.

18. All works of the Corporation across or in any way affecting any such railway and canal, or the respective works thereof, or the said lands, shall be kept by the Corporation in good repair to the reasonable satisfaction of such engineer of the London and North-western Railway Company; and if for seven days after notice in writing from that Company to the Corporation of any of those works being out of repair they do not commence, and with reasonable despatch complete, such repairs, that Company may (and in case of emergency without notice) execute the same, and if necessary enter on the lands of the Corporation for that purpose, and may recover the expenses thereof against the Corporation in any court of competent jurisdiction, with full costs.

Maintenance of such works.

19. The Corporation shall not, without the consent of the London and North-western Railway Company in writing under their common seal, purchase, take, or use, temporarily or permanently, any lands or works belonging to that Company, or any estate, right,

Limiting compulsory powers affecting London and

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North-
western
Railway
Company.

easement, privilege, or authority in, over, or upon any such lands or works, or alter, vary, or interfere with any such their railway and canal, or any of the works thereof respectively, except that the Corporation may purchase, and that Company may and shall sell and grant to the Corporation, such easements as may be necessary for carrying their said lines of pipes across any such railway and canal, subject to the stipulations herein-before provided.

Railway, &c.
not to be
obstructed.

20. The Corporation shall not in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of any such railway and canal, or any of the works thereof.

In case of
injury to
railway, &c.
Corporation
to make com-
pensation.

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

For the pro-
tection of
the Calder
and Hebble
Navigation.

22. Notwithstanding anything in this Act, or in the Acts wholly or partially incorporated with this Act, the Corporation shall not, except with the consent in writing of the Company of Proprietors of the Calder and Hebble Navigation, and also (if and while that navigation is let on lease) of the lessees thereof for the time being, first obtained, carry their mains, conduits, or pipes across, over, or under the River Calder or the Calder and Hebble Navigation, otherwise than as follows; that is to say,

1. By means of an aqueduct across the said navigation at or near the existing bridge across the same called Cooper's Bridge, such aqueduct to be constructed by the Corporation in such manner only as that the same shall be carried by a single span across the navigation and towing-path thereof, and that no part of the waterway or towing-path of the said navigation shall be interfered with, and that no part of the under side of the said aqueduct shall be at a lower level than the highest point of the soffit or under side of the

arch by which the said bridge called Cooper's Bridge is carried across the said navigation ; and in the event of that bridge being at any time hereafter altered, and the height of the arch thereof raised, the Corporation are hereby required to raise such aqueduct so constructed by them to such a level as that no part of the under side of such aqueduct shall be lower than the highest point of the soffit or under side of the arch of such bridge when so altered :

2. By means of any public bridge across the said river or navigation, but in such manner only as that no part of such mains, conduits, or pipes shall be at a lower level than the highest point of the soffit or under side of such bridge, and that the clear opening under such bridge shall not be diminished :
3. Nor shall the Corporation, excepting so far as necessary for those purposes, enter upon, take, or use, temporarily or permanently, or otherwise interfere with the said river or navigation, or the navigable waterway, banks, or towing-paths thereof, or any lands belonging to the said company of proprietors, without such consent as aforesaid ; and it shall be lawful for the said company of proprietors at any time or times, after giving to the Corporation three months notice in writing of their intention so to do, to remove, alter, or renew any such public bridge over or along which any of the mains, conduits, or pipes of the Corporation may be laid or carried, in the same manner as they might have removed, altered, or renewed the same if this Act had not been passed, and such mains, conduits, or pipes had not been laid or carried over or along the same, without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such removal, alteration, or renewal ; and in the event of any such public bridge over or long which any of the mains, conduits, or pipes of the Corporation are carried being altered or renewed as aforesaid, the Corporation shall, at their own expense, alter the position of such mains, conduits, and pipes, and replace the same in such manner only as that no part thereof shall be at a lower level than the highest point of the soffit or under side of the arch or span of such altered or renewed bridge, and that the clear opening under such altered or renewed bridge shall not be diminished.

23. In constructing and maintaining any works by this Act authorised which may affect the Calder and Hebble Navigation, or

Conditions
under which
works

A.D. 1871. the River Calder, the Corporation shall be subject to the following provisions; viz.,

—
affecting
Calder and
Hebble
Navigation
may be exe-
cuted.

All works affecting the Calder and Hebble Navigation, or River Calder, shall be executed at the expense of the Corporation, under the superintendence and to the satisfaction of the engineer for the time being of the Company of Proprietors of the Calder and Hebble Navigation, or (if their navigation be let on lease) of their lessees for the time being, according to plans and specifications previously submitted to the said engineer; and if the engineers of the Corporation and of the said company of proprietors, or their lessees, as the case may be, differ concerning the said plans and specifications, or concerning the execution of the said works, every such difference shall be settled by an engineer to be appointed by the two engineers, or if they cannot agree upon a referee, then by an engineer to be appointed by the Board of Trade on the application of either party:

The said works shall be constructed and maintained by the Corporation so that the traffic upon the said Calder and Hebble Navigation and River Calder shall not be in anywise impeded:

The Corporation shall acquire only such an easement in and upon such of the works, lands, and property of the said company of proprietors as may be necessary for constructing and maintaining the aqueduct, mains, conduits, and pipes hereby authorised to be laid:

If by reason of the construction and maintenance of the works by this Act authorised the said navigation or river, or any of the works connected therewith, shall be damaged or injured, the Corporation shall compensate the said company of proprietors and their lessees for the time being for any loss or expense occasioned to them respectively thereby:

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

Preservation
of rights of
fishing and
shooting.

24. The exclusive rights of fishing and shooting in and over the Yateholme and Riding Wood Reservoirs, and also in and over such part of the Ramsden Reservoir as shall be constructed on land now the estate of John Spencer Stanhope, Esquire, are hereby reserved

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to the said John Spencer Stanhope, Esquire, his heirs and assigns, or other the owners for the time being of the Cannon Hall estate, with liberty for him, his heirs and assigns, to keep one boat on each of the last-mentioned reservoirs, and to erect a boat-house at some convenient place upon the banks of each of those reservoirs for the covering and protection of such boat: Provided nevertheless, that such rights, powers, and authorities shall not be exercised so as to foul the water of the reservoirs, and shall not in anywise interfere with the right, power, and authority of the Corporation at all times to draw off the water from the said reservoirs, and to do all such acts, matters, and things whatsoever as may be necessary for cleansing and repairing the said reservoirs and works connected therewith, and for preventing the waters therein from being fouled, or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

25. The Corporation shall and they are hereby required from time to time and all times hereafter to pay and make good to the owners, lessees, and occupiers of all mills, manufactories, dwelling and other houses, cottages, and other buildings, and lands, all loss, costs, charges, sum and sums of money, damages, and expenses whatsoever, and for all injury of what nature and kind soever which such owners, lessees, or occupiers may suffer, incur, pay, expend, or be put unto by reason or in consequence of the failure or giving way of the reservoirs, embankments, watercourses, or other works of the Corporation; but nothing herein contained shall be held or construed to deprive any person, company, corporation, or undertakers of any compensation to which they may be entitled, irrespective of this enactment, for damage done by reason or in consequence of any such failure or giving way.

Compensation for bursting of reservoirs, &c.

26. The Corporation shall make full compensation to all persons and corporations for any damage which may be done to such persons or corporations, or their lands, houses, buildings, works, or hereditaments, by the giving way or want of repair of any main or pipe or other like work of the Corporation.

Compensation for bursting of pipes, &c.

27. As full compensation for the waters to be taken, impounded, and appropriated by means of the Yateholme Reservoir, the Corporation shall cause to flow from and out of that reservoir, or the works immediately connected therewith, a quantity of water not being less than fifty and a half cubic feet of water per minute, on the days and during the hours herein-after mentioned.

Compensation water as to drainage to the Yateholme Reservoir.

28. As full compensation for the waters to be taken, impounded, and appropriated by means of the Riding Wood Reservoir, the Corporation shall cause to flow from and out of the said reservoir, or

Compensation water as to drainage to the Riding Wood Reservoir.

A.D. 1871. the works immediately connected therewith, a quantity of water not being less than ninety-one cubic feet of water per minute, on the days and during the hours herein-after mentioned.

Compensation water as to total drainage to the Ramsden Reservoir.

29. As full compensation for the waters to be taken, impounded, and appropriated by means of the Ramsden Reservoir, or by means of that reservoir and of the Riding Wood Reservoir, or of the Yateholme Reservoir, or of all the said three reservoirs, the Corporation shall cause to flow from and out of one of the said reservoirs, or the works immediately connected therewith, down the River Holme a quantity of water not being less than two hundred and fifty cubic feet of water per minute, on the days and during the hours herein-after mentioned.

Compensation water as to total drainage to the Holme Reservoir.

30. As full compensation for the waters to be taken, impounded, and appropriated by means of the "Holme Reservoir," or by means of that reservoir and of the "Yateholme Reservoir," the "Riding Wood Reservoir," and the "Ramsden Reservoir," or by means of the Holme Reservoir and any one or more of the said three other reservoirs, the Corporation shall cause to flow from and out of one of those reservoirs, or the works immediately connected therewith, down the River Holme a quantity of water not being less than three hundred and fifty-six cubic feet of water per minute, on the days and during the hours herein-after mentioned.

Compensation water to be discharged continuously.

31. The several quantities of compensation water of fifty and a half cubic feet, ninety-one cubic feet, two hundred and fifty cubic feet, and three hundred and fifty-six cubic feet, mentioned respectively in the four last preceding sections, shall be respectively discharged in a regular, equal, constant, and continuous supply during twelve hours of each of the working days in the year, as herein-after defined, except Saturdays, and during seven hours of each Saturday of such working days, commencing in each case at five o'clock in the morning.

Definition of working days.

32. The working days in every year which are herein-before referred to shall be those days which remain after excluding Sundays, Good Friday, and Christmas Day.

As to mode of regulating the times and proportions of discharging the compensation water.

33. Provided always, that the times and proportions in which such quantities of water shall be discharged into the several streams from the reservoirs as aforesaid shall or may from time to time be regulated by the majority of the occupiers of the several mills and works now erected or hereafter to be erected, and who may be interested in such supply of water in each case respectively, so as such gross daily quantity of water in each case be not thereby increased or diminished.

34. Provided also, that the Corporation shall not appropriate any waters which at the passing of this Act directly or derivatively flow into the Great Bent Dike above the embankment of the Yateholme Reservoir until they have discharged the quantity of water as compensation from the Yateholme Reservoir, nor until they shall have erected the gauges at the foot of the said reservoir embankment for ascertaining the quantity of water to be discharged.

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Compensation water to be discharged before appropriating water.

35. Provided also, that the Corporation shall not appropriate any waters which at the passing of this Act directly or derivatively flow into the Ramsden Clough above the embankment of the Riding Wood Reservoir until they have discharged the quantity of water as compensation from the Riding Wood Reservoir, nor until they shall have erected the gauges at the foot of the said reservoir embankment for ascertaining the quantity of water to be discharged.

Compensation water to be discharged from Riding Wood Reservoir before appropriating water.

36. Provided also, that the Corporation shall not appropriate any waters as at the passing of this Act directly or derivatively flow into the Ramsden Clough above the embankment of the Ramsden Reservoir until they have discharged the quantity of water as compensation from the Ramsden Reservoir, or the same quantity of water as compensation from the Riding Wood Reservoir or the Yateholme Reservoir, or one of them, nor until they shall have erected the gauges at the foot of the embankment of the said Ramsden Reservoir for ascertaining the quantity of water to be discharged.

Compensation water to be discharged from Ramsden Reservoir before appropriating water.

37. Provided also, that the Corporation shall not appropriate any waters as at the passing of this Act directly or derivatively flow into the River Holme above the embankment of the Holme Reservoir until they have discharged the quantity of water as compensation from the Holme Reservoir, or the same quantity of water as compensation from the Ramsden Reservoir, the Riding Wood Reservoir, or the Yateholme Reservoir, or one of them, nor until they shall have erected gauges on the said river for ascertaining the quantity of water to be discharged.

Compensation water to be discharged from Holme Reservoir before appropriating water.

38. The Corporation shall erect and construct, and for ever after maintain upon the several streams and places, suitable measuring gauges over or through which the respective quantities of compensation water shall flow or be discharged, and the gauges shall be respectively open to the inspection and examination of the owners and occupiers of the several present and future mills and works, and of the Company of Proprietors of the Calder and Hebble Navigation, or their lessees, interested in the water so to flow or be discharged through or over the same.

Gauges to be erected.

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Position of
the gauges
for measur-
ing water.

39. Provided always, that the gauges through or over which the waters are to be discharged from the Yateholme Reservoir, the Riding Wood Reservoir, the Ramsden Reservoir, and the Holme Reservoir shall be placed within one hundred yards of the foot of the embankment of each reservoir.

Mill owners
may repair
gauges if the
Corporation
fail to do so.

40. If at any time the gauges over or through which the compensation water from the respective reservoirs is to pass shall be in an unfit state of repair or condition for the purposes for which they are intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the Corporation, or if they fail so to do within seven days after notice given to them by or on behalf of any three of the occupiers of the mills and works, or any of them, interested in the supply of water to pass through or over the same, or by or on behalf of the Company of Proprietors of the Calder and Hebble Navigation, or their lessees, requiring the Corporation so to do, it shall be lawful for the said occupiers, or any of them, or for the said company of proprietors, or their lessees, to cause such works to be done and performed in connexion with the said gauges as shall be necessary for placing them in a proper and efficient state and condition, and to recover the expenses of such works, with full costs of suit, against the Corporation in any court of competent jurisdiction.

Penalty for
neglect to
discharge
compensa-
tion water.

41. In case of any neglect on the part of the Corporation, by or in consequence of which any of the several quantities of water aforesaid shall not so flow from the said reservoirs, the Corporation shall, for every day on which such neglect occurs, forfeit and pay to the occupiers of each of the mills and works affected thereby (such mills or works not being lower than the junction of the River Holme with the River Colne in the borough of Huddersfield), who may sue for and recover the same, the sum of five pounds, and shall in addition make compensation for any loss, damage, or injury sustained by such occupiers, or any of them, in respect of which such penalties are an insufficient compensation; and such occupiers may respectively from time to time recover such compensation, with costs, from the Corporation by proceedings in any court of competent jurisdiction: Provided that in case of any mill or other work being in the occupation of several persons, no greater penalty than five pounds per day shall be payable by the Corporation in respect of that mill or other work, and the failure to supply compensation water thereto.

Power to
occupiers of
mills to hold
meetings to

42. The occupiers of the several mills and works situate on the River Holme, between the gauge to be placed near to the foot of the embankment of the Holme Reservoir and the junction of the

said river with the River Colne, may hold meetings for determining the time and mode of supplying the said compensation water for the use of the said mills and works, and the first meeting of such occupiers shall be called by circular letter, signed by a majority of such occupiers, and addressed to and left for every such occupier at the mill or works of which he is such occupier, and at each such meeting the occupiers present shall appoint a chairman to preside at such meeting, and shall have power to make byelaws for regulating their future proceedings, and the mode of calling and time of holding their future meetings, and the mode of voting thereat, and the powers to be exercised by such occupiers at such meetings; and such first and every subsequent meeting of such occupiers shall have power to fix and determine from time to time the number of hours, and the rates and times of commencing and terminating the discharge of the compensation water down the said river from and out of the reservoirs of the Corporation, but so nevertheless that the gross daily discharge thereof herein-before provided shall not be thereby increased or diminished, and shall also have power to adjourn from time to time and from place to place until the business for which such meeting was convened shall have been finished; and at every such meeting the decision of the majority of the occupiers present thereat shall bind the minority, and also the absent occupiers; and if at the time of holding any such meeting any mill or works on such river, and so entitled to the use of such compensation water, shall be unoccupied, the owner of such mill shall be deemed to be the occupier thereof, and shall be entitled to attend and vote as such at all meetings of the occupiers of mills and works on such river: Provided always, that only one occupier in respect of each mill or works shall be entitled to join in convening or to vote at any such meeting: Provided also, that at the first meeting of occupiers every occupier shall have one vote in respect of each mill or works then held by him.

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regulate
supply of
water.

43. The resolutions of every such meeting of occupiers regulating the supply of compensation water down the River Holme shall from time to time be communicated in writing under the hand of the chairman of such meeting for the time being to the town clerk of the borough of Batley, and shall be acted upon by the Corporation in the several particulars to which such resolutions shall relate from and after the expiration of seven days from the receipt of such notice.

Resolution of
mill owners
to be acted
upon by the
Corporation.

44. If the occupiers of the mills and works on the River Holme shall fail to give notice to the Corporation of the number of hours, and of the rates and times of commencing and terminating the supply of compensation water from the respective reservoirs, then

If occupiers
fail to give
notice, com-
pensation
water to be
supplied.

A.D. 1871. — and in every case, and until such notice shall be given, the Corporation shall cause the quantity of compensation water to be discharged as by this Act provided.

Water supplied to mills to be taken as full compensation.

45. When the Corporation shall commence and so long as they shall continue to discharge from and out of their said reservoirs and works the due quantity of compensation water in manner aforesaid, the same shall be accepted and taken by all parties interested as full compensation for all water which the Corporation can collect or divert from the lands draining to the works authorised by this Act.

Power to supply water.

46. Subject to the provisions contained in the 104th section of the Act of 1856, for securing a sufficient supply of water for domestic purposes within the borough (which section is incorporated with this Act), and subject and without prejudice to the rights of the Corporation under the provisions of the recited Acts so long as they remain in force with reference to the Corporation, the Corporation from time to time may, by means of the waterworks by this Act authorised, supply water within the borough, and may by agreement supply water for domestic or other than domestic purposes, either within or without the borough, and may supply water by measure; but the Corporation shall not supply water without the borough except within any township which adjoins or is situate near the borough, or through or in which any aqueduct, conduit, or line of pipes, authorised and described in this Act, will be constructed or laid down.

For protection of the Corporation of Bradford.

47. Nothing in this Act contained shall authorise or empower the Corporation to supply water, either directly or indirectly, in any of the townships or places within the limits of supply of the mayor, aldermen, and burgesses of the borough of Bradford, as defined by the Bradford Waterworks Act, 1862, and the Bradford Waterworks and Improvement Act, 1868, or to construct works for such supply, or otherwise interfere with the rights, powers, or privileges of the said mayor, aldermen, and burgesses.

Protection of the Corporation of Huddersfield.

48. The Corporation shall not supply water, either directly or indirectly, in any of the townships or places within the limits of supply of the Corporation of Huddersfield, as defined by the Huddersfield Water Act, 1869, and extended by any Act of Parliament which may be passed in that behalf during the present session of Parliament, except with the consent of the Corporation of Huddersfield in writing under their corporate seal.

Height of supply.

49. Notwithstanding anything in this Act or the incorporated Acts contained, it shall not be obligatory on the Corporation to

supply water at a greater height than that to which it will flow by gravitation from the service reservoirs at Staincliffe. A.D. 1871.

50. The Corporation on the one hand, and any local board or other local authority for the time being having powers to distribute and supply water in any district or place within which the Corporation may, in accordance with the provisions of this Act, supply water by agreement, on the other hand, may from time to time enter into and carry into effect contracts and agreements for the supply of water in bulk by the Corporation to the local board or local authority so contracting with the Corporation, at such rate or price, for such periods, and on such terms and conditions as are from time to time agreed on. Power to supply water in bulk to adjoining districts.

51. By way of addition to and not in diminution or restriction of the provisions of "The Waterworks Clauses Consolidation Act, 1847," with respect to the interference with and restoration and repair of roads, or incident thereto, the following provisions shall, with respect to roads or streets, sewers, drains, and water pipes interfered with by the Corporation within the borough of Huddersfield, have effect; namely, For protection of streets in Huddersfield.

1. In constructing any works authorised by this Act it shall not be lawful for the Corporation of Batley to alter the level of any such road or street, sewer, drain, or water pipe, except with the consent of the Corporation of Huddersfield :
2. Any works of alteration of sewers, drains, or water pipes belonging to the Corporation of Huddersfield shall be executed according to plans to be approved by the borough surveyor of Huddersfield, and shall be executed by the workmen of the Corporation of Huddersfield under the superintendence of such borough surveyor, and to his satisfaction, and all costs and expenses of and incident to such works shall be paid by the Corporation of Batley to the Corporation of Huddersfield forthwith on the completion of such works :
3. A clear and sufficient carriageway shall be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Corporation of Batley for the purposes of this Act; and in case of default in compliance with this enactment the Corporation of Huddersfield may, by their own servants and workmen, clear and keep clear such carriageway, and may recover the expenses of and incident thereto from the Corporation of Batley :
4. No greater length than one hundred yards of any such road or street shall be broken up at any one place at one time without the consent of the Corporation of Huddersfield, nor without

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the like consent shall any works be carried on at the same time within that borough at a less interval than two hundred yards from each other; and in case any trench or cutting on any such road or street shall be flooded with water, the Corporation of Batley shall not cast the same upon any part of such road or street, but shall by proper means convey such water away to such sewer, drain, or channel as shall be pointed out and required by the borough surveyor of Huddersfield:

5. The Corporation of Batley shall pay to the Corporation of Huddersfield full compensation for all damage, if any, occasioned during the progress of the works by this Act authorised to those parts of the roads in the borough of Huddersfield in or through which any mains authorised by this Act shall be laid which may not be actually broken up, but which, by reason of the increased traffic thrown thereon, or otherwise, may be prejudicially affected by such works; and if any dispute shall arise as to whether any such damage has been so occasioned, or as to the amount of such compensation, every such dispute shall be settled by arbitration in the manner provided by the "Lands Clauses Consolidation Act, 1845."

Regulations
for prevent-
ing the
waste, &c.,
of water.

52. For preventing the waste, misuse, or undue consumption or contamination of the water of the Corporation, they may from time to time make such rules and regulations as they think necessary to be observed by the persons supplied with the water of the Corporation, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, water-closets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement, and the use of any pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, which, in the judgment of the Corporation, will be likely to occasion any such waste, misuse, undue consumption, or contamination; and the Corporation shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be and continue to be duly observed by him, and the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles used or to be used shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired, as the Corporation from time to time so prescribe or otherwise approve, and in case of the neglect or refusal of any such person to observe such rules and

regulations, or any of them, the Corporation may, after twenty-four hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle of any person supplied by them; and the expenses of every such repair, replacement, or alteration shall be repaid to the Corporation by the person to whom or on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made.

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53. If any person supplied with water by the Corporation shall wrongfully cause or suffer any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the Corporation is or is likely to be wasted, misused, unduly consumed, or contaminated, or as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the Corporation, such person shall for every such offence forfeit to the Corporation any sum not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle, to the satisfaction of the Corporation or their duly authorised officer.

Penalty for waste, &c. of water by non-repair of pipes.

54. The Corporation may let for hire to any consumer of water supplied by them any meter or instrument for measuring any quantity of water consumed and supplied, and any pipes and apparatus for the conveyance, reception, or storage of such water, for such remuneration in money as is agreed upon between the Corporation and the person to whom the same is so let for hire, and such remuneration shall be recoverable in the same manner as water rates or rents are recoverable under this Act, and such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or under or in pursuance of any other legal proceeding against the person or goods of the person in whose possession the same shall be.

Power to let for hire meters.

55. The officers of the Corporation may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, fittings, apparatus, and works for conveying, regulating, and measuring the supply of water, and for the purpose of ascertaining the quantity of

Power for ascertaining quantity consumed by meter, and for removing meters, &c.

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water consumed or supplied, and may from time to time enter any house, building, or lands to which the supply of water has been stopped for any cause except the default of the Corporation, for the purpose of removing or carrying away any meter, instrument, pipes, fittings, apparatus, or other works the property of the Corporation; and if any person hinder any such officer from entering and making such inspection or effecting such removal every person so offending shall for every such offence forfeit to the Corporation any sum not exceeding five pounds: Provided always, that, otherwise than with the consent of a justice, such power of entry shall not be exercised except between the hours of ten in the forenoon and four in the afternoon.

Penalty on
wrongful use
of water.

56. Every person who, not having agreed to be supplied with water by the Corporation, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Corporation, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or like place containing water belonging to the Corporation, or supplied by them for the use of any consumer, shall for every such offence forfeit to the Corporation any sum not exceeding ten pounds; and every person who, having agreed to be supplied with water by the Corporation, wrongfully takes or uses any water from any such reservoir, watercourse, conduit, or pipe, or from any such pipe, cistern, or other like place, for any purpose other than the purpose for which he so agreed to be supplied, shall for every such offence forfeit to the Corporation any sum not exceeding ten pounds; and in any of the cases aforesaid the Corporation shall be entitled in addition to recover from any such person the amount of any loss, damage, or injury sustained by them by or in consequence of any such wrongful acts, by action in any court of competent jurisdiction.

Water may
be cut off
in certain
cases.

57. If any person supplied with water by the Corporation wrongfully do, or cause or permit to be done, anything in contravention of any of the provisions of the incorporated Acts and this Act respectively, or wrongfully fail to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Corporation, they may cut off any of the pipes by or through which water is supplied by them to him and for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such act or failure, by action in any court of competent jurisdiction.

58. All the powers and provisions of sections 101, 102, and 104 to 112, inclusive, of the Act of 1856, so far as they relate to the local board of health for the district of Batley, or the Corporation or the borough, 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 by the Corporation of this Act and of the recited Acts; and section 103 of the same Act, so far as relates to the said local board, to the Corporation, or the borough, is hereby repealed.

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Power to
levy rates
and rents.

59. A supply of water for domestic purposes shall include a supply of water for waterclosets, but not for horses or cattle, or washing carriages, nor for any trade, manufacture, or business, nor for watering gardens, or for fountains, or for any ornamental purpose whatsoever.

Supply of
water for
domestic
purposes.

60. The Corporation may raise and apply to the purposes of this Act any moneys which by the recited Acts, or any of them, they are authorised to raise for the purposes thereof, and which are not required for those purposes.

Power to
apply exist-
ing funds to
purposes of
Act.

61. It shall be lawful for the Corporation to borrow for the purposes of this Act, upon the security of the works by this Act authorised, and also upon the security of the rents and rates by the recited Acts and this Act, or any of them, authorised to be made and levied by the Corporation, and also upon the security of the borough rates and borough fund of the borough, or upon the security of any one or more of the said works, rates, rents, or borough fund, in addition to any moneys which the Corporation are authorised to borrow irrespective of this Act, any sum or sums of money not exceeding in the whole the sum of two hundred and twenty thousand pounds.

Power to
borrow.

62. If after having borrowed the whole or any part of the moneys which they are by this Act authorised to borrow, the Corporation shall pay off the same, or any part thereof, by any means except the application of the sinking 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.

Re-borrow-
ing.

63. The mortgagees of the Corporation may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages granted under the recited Acts, or any of them, or this Act, by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the

For appoint-
ment of a
receiver.

A.D. 1871. application for a receiver is made shall not be less than ten thousand pounds in the whole.

Former mortgages to have priority.

64. All mortgages granted by the Corporation before the passing of this Act, and in force at the time of the passing of this Act, shall during the continuance thereof, and so far as relates to the securities charged thereby, have priority over all mortgages granted by the Corporation under the powers of this Act.

Power to raise money by annuities instead of borrowing.

65. Instead of borrowing the money by this Act authorised to be raised by mortgage, or any part thereof, the Corporation may, if they think fit, raise the amount so authorised to be borrowed, or any part thereof, by the grant of perpetual annuities of ten pounds each.

Annuities to be, with interest on mortgages, charged on waterworks, &c.

66. All annuities under this Act shall be granted upon the security of the waterworks by this Act authorised, and shall, with the interest upon any mortgages granted by the Corporation under the provisions of the recited Acts or this Act, be a charge upon the clear profits or net income of the Corporation from such waterworks, and from the Dewsbury, Batley, and Heckmondwike Waterworks, and upon all or any of the rates or revenues of the Corporation, including the borough rates and borough fund of the borough.

Provisions of 8 & 9 Vict. c. 16. as to shares, &c. to apply to annuities.

67. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, shall be incorporated with this Act, and shall, except where the same are expressly varied by this Act, apply to annuities granted under the provisions of this Act, and to the holders of such annuities, and to the Corporation, as if the Corporation were the Company referred to in those provisions, and the annuities were shares in the undertaking of that Company, and the holders of the annuities were shareholders in that Company: Provided always, that the forms of certificate and transfer of an annuity may respectively be according to the forms in the schedule to this Act annexed, or to the like effect, and any such certificate or transfer may by agreement with the annuitant include any number of annuities to which the annuitant is entitled.

Payment of annuities.

68. The annuities shall be payable at the office of the treasurer of the borough, clear of all deductions (except income tax), by equal half-yearly instalments in every year.

Recovery of arrears of annuities.

69. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the person entitled thereto may, subject to the provisions of this Act, recover the same against the Corporation in any court

of competent jurisdiction, and, without prejudice to his right so to recover the same, may require the appointment of a receiver as by this Act provided.

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70. The annuitants may enforce the payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Corporation, and for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act, 1845, shall apply, mutatis mutandis, to the Corporation, and the annuitants and the receiver, and the amount in arrear to authorise an application for a receiver shall be two hundred pounds.

Receiver for annuitants.

71. The Corporation may from time to time purchase any of the annuities, at such price, not exceeding the market price (if any) for the time being for the same, as may be agreed upon between the sellers of the annuities respectively and the Corporation, and every annuity purchased by the Corporation may at their option be held by them or extinguished.

As to purchase of annuities by the Corporation.

72. It shall be lawful for the Corporation, and they are hereby required, from and after the expiration of ten years from the passing of this Act, annually to set apart out of the moneys carried to the credit of the water account by the Act of 1856 required to be kept, a sum which for the period of fifteen years thereafter shall be not less than one pound per centum per annum, and after the expiration of such period of fifteen years shall be not less than two pounds per centum per annum, upon the amount borrowed by them under the powers of this Act, in addition to the amount required to be set apart by them for the same purpose under the recited Acts, or any of them, and the sum or sums so set apart shall be carried to an account to be called "the sinking fund," and such sinking fund shall be from time to time applicable to the redemption of mortgages, and may also be applied in the purchase of annuities under the provisions of this Act, and (but not till 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 of the Corporation under the recited Acts and this Act, and to no other purpose whatsoever.

Sinking and depreciation fund.

73. All moneys which from time to time shall be received by the Corporation under the powers of this Act and the recited Acts (except money borrowed on mortgage) shall be applied as follows; (that is to say,)

Application of receipts of Corporation.

First. In paying the costs, charges, and expenses attending or incident to the obtaining or passing of this Act:

Secondly. In paying the interest of all moneys borrowed by them under the powers of the recited Acts and this Act, or any of

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them, and for the time being remaining due, and in payment of annuities granted under the provisions of this Act :

Thirdly. In paying the expenses of maintaining the reservoirs, aqueducts, and other works by this Act authorised, and (so long as they continue to have any share or interest in the Dewsbury, Batley, and Heckmondwike Waterworks) their proportion of the expenses of maintaining those waterworks and of the other expenses of the united boards in relation thereto :

Fourthly. In setting apart and appropriating from time to time the sinking fund in this Act mentioned :

Fifthly. In repairing, maintaining, and extending the waterworks within their district, and (so long as they continue to have any such share or interest as aforesaid) in paying their proportion of the expenses incurred by the united boards in repairing and extending the Dewsbury, Batley, and Heckmondwike Waterworks, and in paying any other expenses incurred in carrying the recited Acts or this Act into execution :

And lastly. In paying off all principal moneys borrowed by them under the powers of the recited Act and this Act, and for the time being remaining due, and in the purchase of annuities granted under the provisions of this Act.

Application of money borrowed by the Corporation under the powers of this Act.

74. All moneys borrowed by the Corporation under the powers of this Act shall be applicable as follows ; (that is to say,)

First. In paying or repaying to the revenue account the costs, charges, and expenses attending or incident to the obtaining and passing of this Act :

Secondly. In paying the expenses of and incident to the construction of the reservoirs, aqueducts, and other works by this Act authorised :

Thirdly. In the purchase of annuities granted under the provisions of this Act, and in the exercise of the powers of the Corporation with respect to the paying off of moneys borrowed on mortgage and of re-borrowing.

The Corporation to sell their interest in the existing works of the Dewsbury Corporation and the Heckmondwike Board.

75. When and so soon as any one of the reservoirs by this Act authorised, and the conduits or line of pipes connected therewith, are completed and in use, so that out of and by means of such reservoir, conduits, and works the Corporation are enabled to supply and have begun to supply within the borough not less than four hundred thousand gallons of water daily, or at the expiration of six years from the passing of this Act (whichever event shall first happen), the Corporation shall sell and transfer all their estate, share, and interest in the Dewsbury, Batley, and Heckmondwike Waterworks to the Dewsbury Corporation and the Heckmondwike

Board in the proportions of three equal fourth parts to the Dewsbury Corporation, and one equal fourth part to the Heckmondwike Board, or in such other proportions as may have been previously agreed upon between the Dewsbury Corporation and the Heckmondwike Board, and the Dewsbury Corporation and the Heckmondwike Board shall purchase and take the said estate, share, and interest in the proportions aforesaid for such price or consideration as shall be agreed upon or settled by arbitration, and upon such terms and conditions as are prescribed by this Act; or, if the Dewsbury Corporation and the Heckmondwike Board so agree, the sale and transfer of the said estate, share, and interest shall be to the Dewsbury Corporation only or to the Heckmondwike Board only, and the Dewsbury Corporation only or the Heckmondwike Board only, as the case may be, shall purchase and take the same for such price or consideration, and upon such terms and conditions, as aforesaid.

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76. For the purposes of such sale and purchase, the expression in this Act, "the Dewsbury, Batley, and Heckmondwike Waterworks," shall mean and include all reservoirs, mains, pipes, works, and waters wherein the Corporation, the Dewsbury Corporation, and the Heckmondwike Board are at the time of the sale and purchase jointly interested under the provisions of the Act of 1856, the Act of 1861, and the Act of 1867, and shall not mean or include the mains and pipes for distribution of water within the borough of Batley, or any mains, pipes, or works belonging exclusively to the Corporation, or in which the Dewsbury Corporation and the Heckmondwike Board have no share or interest under the provisions of the said Acts, or any of them.

Defining the Dewsbury, Batley, and Heckmondwike Waterworks.

77. If six months before the time prescribed by this Act for the sale and purchase, the Corporation and the Dewsbury Corporation and the Heckmondwike Board shall not have agreed upon the amount to be paid to the Corporation as the price or consideration for their share and interest in the Dewsbury, Batley, and Heckmondwike Waterworks, the settlement of such amount shall be referred to two arbitrators, one to be appointed by the Corporation, and the other by the Dewsbury Corporation and the Heckmondwike Board, and if the arbitrators cannot agree, to an umpire to be appointed by the arbitrators, or if they cannot agree, by the Board of Trade; and in all other respects the arbitrators shall be subject to the provisions of the Lands Clauses Consolidation Act, 1845, with respect to cases of disputed compensation; and the decision of the arbitrators or umpire, as the case may be, shall be final and conclusive upon all parties; and the purchase money shall be paid to the Corporation at the time of their delivering possession of their share

As to settlement of amount and payment of purchase money.

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and interest to the Dewsbury Corporation and the Heckmondwike Board, and shall be applied in paying off mortgages upon the waterworks of the Corporation, or in the construction of the works by this Act authorised, and reducing pro tanto the amount by this Act authorised to be borrowed on mortgage.

In case the Corporation cannot get a supply of water from their new works, Dewsbury Corporation and Heckmondwike Board to furnish a supply on certain terms.

78. If at the expiration of six years from the passing of this Act none of the reservoirs in the Holme Valleys by this Act authorised, or the conduits or line of pipes and works in connexion therewith, are completed, so that the Corporation cannot, out of and by means of the same, supply to the borough at least four hundred thousand gallons of water daily; or if, on the completion at any time of any of the said reservoirs, conduits, line of pipes, and works, the Corporation are unable thereout and by means thereof to furnish the said supply of water; or if from any cause, at the expiration of six years from the passing of this Act, the Corporation are unable to furnish such supply, the Dewsbury Corporation and the Heckmondwike Board shall, in any of the said cases, supply to the Corporation, from their reservoirs and works, at the rate or price of eightpence per thousand gallons, such quantity of water as the Corporation may from time to time require to make up the quantity for the time being received by them from the works by this Act authorised to a quantity which shall be equal to, or shall not exceed, two sixth parts of the whole quantity of water which the Dewsbury Corporation and the Heckmondwike Board are for the time being receiving from their waterworks.

Proportions in which the Dewsbury Corporation and the Heckmondwike Board are to supply water to Batley and share receipts.

79. All water to be supplied to the Corporation by the Dewsbury Corporation and the Heckmondwike Board, under the provisions of this Act, shall be furnished by them respectively in the proportions in which they shall have purchased the share and interest of the Corporation in the Dewsbury, Batley, and Heckmondwike Waterworks; and all moneys which shall be paid by the Corporation for the water so supplied shall be divided between the Dewsbury Corporation and the Heckmondwike Board in the same proportions.

Act not to interfere with rights of Dewsbury Corporation and Heckmondwike Board to sell water.

80. Nothing in this Act mentioned shall in any way prejudice or lessen any rights or privileges which the Dewsbury Corporation and the Heckmondwike Board, or either of them, now have to sell by agreement any surplus water which the Dewsbury Corporation and the Heckmondwike Board, or either of them, may have from time to time to dispose of to any person or persons or to any local authority contiguous or near to the borough of Dewsbury and the township of Heckmondwike, or either of them, nor to any person or persons or local authority adjoining or near to the line of conduit, reservoirs, or other works comprised in the Dewsbury, Batley, and

Heckmondwike Waterworks; and nothing in this Act contained shall authorise or empower the Corporation to sell water within the townships of Liversedge and Heckmondwike, or either of them, without the consent of the Heckmondwike Board. A.D. 1871.

81. Nothing in this Act contained shall alter or repeal any of the provisions of the Act of 1856, or of the Act of 1861, or of the Act of 1867, so far as regards the Dewsbury Corporation and the Heckmondwike Board, or shall affect, lessen, or prejudice the rights or privileges of the Dewsbury Corporation or the Heckmondwike Board under the provisions of the said Acts, or any of them, or under the provisions of the Public Health and Local Government Acts, or any of the Municipal Corporation Acts. Saving rights of Dewsbury Corporation and Heckmondwike Board.

82. Any sum which the Dewsbury Corporation or the Heckmondwike Board may require for the purchase of the share of the Corporation in the Dewsbury, Batley, and Heckmondwike Waterworks may be raised by the Dewsbury Corporation or the Heckmondwike Board by mortgage, in addition to and in like manner as money authorised to be raised by the Dewsbury Corporation and the Heckmondwike Board respectively under and for the purposes of the recited Acts; and all the provisions of those Acts with respect to the borrowing of money on mortgage shall be incorporated with this Act, and shall apply, mutatis mutandis, to mortgages by the Dewsbury Corporation and the Heckmondwike Board respectively under the provisions of this Act. Power for Dewsbury Corporation and Heckmondwike Board to raise money for purchase of such share.

83. Every penalty imposed by or under this Act, or any Act incorporated with this Act, or by or under any byelaw made under this Act, or any Act incorporated with this Act, shall (except where the Corporation shall be the party by whom the penalty has to be paid) be awarded and paid to the Corporation. Application of penalties.

84. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, powers, authorities, or privileges of the Corporation. Saving rights of Corporation.

85. All the costs, charges, and expenses of and incident to and preparatory to the obtaining and passing of this Act shall be paid by the Corporation. Expenses of Act.

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SCHEDULE to which the foregoing Act refers.

FORM OF CERTIFICATE OF ANNUITY.

CERTIFICATE OF ANNUITY No. £

By virtue of the *Batley Corporation Waterworks Act, 1871*, the mayor, aldermen, and burgesses of the borough of Batley in the west riding of the county of York certify that *A.B.* of _____ is, under and subject to the provisions of that Act, entitled to a perpetual annuity of _____ charged on the waterworks and the water rates, rents, and charges of the said mayor, aldermen, and burgesses, and upon the borough rates and borough fund of the said borough, and such annuity is payable to him, his executors, administrators, or assigns, at the office in Batley of the treasurer of the said mayor, aldermen, and burgesses, as regards the annuity for the year ending on the _____ day of _____ 18____, on that day, and for every subsequent year by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ yearly.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Batley, this _____ day of _____ in the year of our Lord 18____.

FORM OF TRANSFER OF ANNUITY.

I, *A.B.* of _____ in consideration of _____ pounds paid to me by *C.D.* of _____, transfer to him, his executors, administrators, and assigns, the perpetual annuity (*or* annuities) No. _____ of _____ charged by the *Batley Corporation Waterworks Act, 1871*, on the waterworks and the water rates, rents, and charges of the mayor, aldermen, and burgesses of the borough of Batley, and upon the borough rates and borough fund of the said borough, and payable at the office in Batley of the treasurer of the said borough, as regards the annuity for the year ending on the _____ day of _____ 18____, on that day, and for every subsequent year by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ yearly, and all my right and interest therein and thereto.

As witness my hand and seal this _____ day of _____ in the year of our Lord _____.