



CHAPTER lxxviii.

An Act to empower the Corporation of Wakefield to make additional Waterworks and for other purposes. A.D. 1889.

[9th July 1889.]

WHEREAS Her Majesty has by Royal Charter dated the eleventh day of July in the fifty-second year of Her reign (1888) declared that the borough of Wakefield in the west riding of the county of York shall be a city and shall be called and styled the city of Wakefield and that the mayor aldermen and burgesses of the borough of Wakefield shall henceforth be one body politic and corporate by the name and style of the mayor aldermen and citizens of the city of Wakefield (in this Act called the Corporation) with all such and the same powers and privileges as they have hitherto had as the mayor aldermen and burgesses of the borough of Wakefield :

And whereas the Corporation are the sanitary authority for the city with the powers and obligations of an urban sanitary authority and have divers other powers under the following local Acts and public Acts of a local character (that is to say) :—

The Public Health Supplemental Act 1853 (No. 1) ;

The Wakefield Waterworks Act 1862 ;

The Wakefield Waterworks Act 1873 ;

The Wakefield Waterworks Act 1874 ;

The Wakefield Waterworks Act 1876 ;

The Wakefield Improvement Act 1877 ;

The Local Government Boards Provisional Orders Confirmation (Bournemouth, &c.) Act 1878 ;

The Wakefield Corporation Waterworks Act 1880 ;

The Wakefield Corporation Act 1887 :

And each of those Acts is in this Act referred to as the Act of the year in which it was passed and the several Acts are collectively referred to as the recited Acts :

And whereas the Corporation are the owners of the waterworks which supply the city and portions of the neighbourhood with water :

And whereas it is expedient that the time limited for the construction of certain waterworks authorised by the Act of 1880

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should be extended and that the Corporation should be empowered to make and maintain the additional waterworks by this Act authorised :

And whereas it is expedient that the Corporation should be empowered to borrow further sums of money for the purposes of this Act and of their water undertaking :

And whereas the Corporation have in pursuance of the Act of 1887 created and issued Corporation stock to the amount of two hundred and fifty thousand pounds bearing dividend at the rate of three pounds ten shillings per centum per annum and redeemable on the first day of March in the year one thousand nine hundred and eighteen and there are other loans of the Corporation not represented by Corporation stock amounting to upwards of four hundred and fifty thousand pounds in respect of which the Corporation are empowered to create and issue Corporation stock :

And whereas it is expedient that the Corporation should be empowered to exercise their borrowing powers under this or any other Act by the creation and issue of a different class of Corporation stock and that the provisions of the Act of 1887 be amended as in this Act mentioned :

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the works by this Act authorised and for other the purposes of their water undertaking and such estimates amount to the sum of one hundred and seventy thousand pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the twenty-ninth day of October one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Wakefield Evening Herald" a local paper published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the city :

And whereas such resolution was published twice in the "Wakefield Echo" a newspaper published and circulating in the city and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council at a further special meeting held in

pursuance of a similar notice on the fifteenth day of January one thousand eight hundred and eighty-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1889.

And whereas the owners and ratepayers of the city by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or 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 in this Act respectively referred to as the deposited plans sections and book of reference:

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

1. This Act may be cited as the *Wakefield Corporation Act 1889.* Short title.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely:— Provisions of certain general Acts incorporated.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts);

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 of that Act with respect to accounts);

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised;

Part II. (extension of time) of the Railways Clauses Act 1863:

The Waterworks Clauses Act 1847 as incorporated in the recited Acts and in this Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44 thereof.

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Interpreta-  
tion of  
terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction: Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the company” means the Corporation;

“The railway” means the reservoirs by this Act authorised to be constructed;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs:

And in this Act—

“The Corporation” means the mayor aldermen and citizens of the city of Wakefield;

“The city” means the municipal city of Wakefield;

“The council” means the council of the city;

“The town clerk” means the town clerk of the city;

“The district fund” and “the general district rate” mean the district fund and general district rate of the city;

“The Municipal Corporations Act” means the Municipal Corporations Act 1882 and any Act amending the same;

“The Public Health Act” means the Public Health Act 1875 and any Act amending the same;

“Person” includes a corporation:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution of  
Act.

4. This Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation and of the council and of their officers conferred or imposed by the Municipal Corporations Act the Public Health Act and the recited Acts respectively and the provisions of section 6 (regulation as to committees of council) of the Act of 1880 shall extend and apply to this Act.

Extension of  
time for  
completion  
of water-  
works autho-  
rised by Act  
of 1880.

5. The period limited by the Act of 1880 for the construction and completion of the following authorised waterworks (that is to say) the Green Withens Reservoir the Linsgreave Catchwater and the Green Withens Catchwater respectively described or referred to in section 13 of the Act of 1880 together with all necessary and proper works and conveniences connected therewith or incident thereto respectively is by this Act extended and those waterworks

may be constructed and completed within ten years from the passing of this Act and on the expiration of that period the powers conferred on the Corporation for making those waterworks or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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6. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the reservoirs and other works following (that is to say):—

Power to  
make water-  
works.

1. A reservoir (called Oxygrains Reservoir) situate in the township of Rishworth to be formed by means of an earthen or stonework embankment four chains or thereabouts in length across the stream called Oxygrains at a point on the said stream ten chains measured in a westerly direction from Oxygrains Bridge;
2. A reservoir (called Booth Dean Reservoir) situate in the township of Rishworth to be formed by means of an earthen or stonework embankment four chains or thereabouts in length across the Booth Dean Clough at a point on the said stream sixty-two and a half chains east of Oxygrains Bridge;
3. A reservoir (called Linsgreave Reservoir) situate in the township of Rishworth to be formed by means of an embankment twenty-five chains or thereabouts in length across Linsgreave Clough at a point twenty-four chains north of the junction of Dry Clough and Linsgreave Clough;
4. A catchwater or conduit (called Green Withens Catchwater No. 2) situate in the township of Rishworth commencing at the western fence of Balm Pasture and terminating by a junction with the authorised Green Withens Catchwater provided that the commencement of the said work shall not be nearer to the point of commencement shown on the deposited plans than five hundred and seventy-six yards from such point;
6. A line of pipes or conduit (called Spa Clough Conduit) situate in the township of Rishworth commencing in the authorised Green Withens Reservoir and terminating in Spa Clough;
7. A service reservoir (called Lee Hill Reservoir) situate in the township of Longwood in a certain field called New Field at or near to the top of Lee Hill;
8. A line of pipes or conduit situate in the township of Longwood commencing by a junction with the existing water main of

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the Corporation in the road leading from Manchester to Wakefield and terminating in Lee Hill Reservoir:

Together with all proper embankments bridges roads ways wells tanks basins gauges filters dams sluices weirs outfalls syphons pipes adits shafts borings tunnels aqueducts culverts cuts trenches channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same.

Notwithstanding the powers conferred by the Act of 1880 the Corporation shall not construct that part of the Castle Dean Catchwater as lies between the point of commencement of the said work shown on the plans deposited in respect of that work and a point on the said work twenty-five chains measured in a westerly direction from the point of commencement.

Power to take lands and waters.

7. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may for the purpose of their waterworks collect impound take use and appropriate such of the waters of the Oxygrains Linsgreave Clough Spa Clough Booth Dean Clough and their tributaries as can or may be intercepted and impounded by the reservoirs catchwaters and other works by this Act authorised and all springs and streams which arise or flow in or through the site of the said reservoirs catchwaters and works and all waters found in on or under any of the lands acquired by the Corporation under this Act.

Power to deviate.

8. In constructing the reservoirs and works by this Act authorised the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards: Provided always that the height of the embankments or retaining walls of the reservoirs respectively as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid.

Time for completion of works.

9. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Restriction on taking houses of

10. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or

acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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labouring  
class.

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

**11.** The Corporation may from time to time for the purposes of this Act purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation of any nuisance on any such lands and such lands shall not be used for any building except buildings required for or used in connexion with the water undertaking of the Corporation.

Power to  
take addi-  
tional lands  
by agree-  
ment.

**12.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to  
take ease-  
ments &c.  
by agree-  
ment.

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

Period for  
compulsory  
purchase of  
lands.

**14.** The provisions of section 22 "for the protection of the estates of Henry Savile in the townships of Rishworth and Soothill "Upper" of the Act of 1880 shall so far as the same are applicable extend and apply to all lands rights easements interests and privileges required by the Corporation from the owner or owners for the time being of the said estates and to all works authorised by this Act situate upon the said estates.

Section 22  
of Act of  
1880 to  
apply to  
lands and  
works  
executed  
under this  
Act.

**15.** Notwithstanding the purchase by the Wakefield Union rural sanitary authority of the pipes fittings and apparatus within their district pursuant to section 51 of the Act of 1880 all obligations of

Obligation of  
Corporation  
under s. 52 of the  
Act of 1880 to  
continue in force  
notwithstanding

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the purchase of pipes under s. 51.

Proceeds of sale of surplus lands to be treated as capital.

**16.** The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation and for the time being charged upon the district fund and general district rate but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board: Provided that the moneys so applied in the discharge of borrowed money shall not be re-borrowed.

Power to hold lands for protection of works.

**17.** The Corporation may hold any lands acquired by them under the powers of this Act necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively: Provided always that the Corporation shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Compensation in respect of additional gathering ground.

**18.** As full compensation to all persons interested in the waters to be taken impounded and appropriated by the Booth Dean Reservoir the Corporation shall before taking any portion of such waters for any other purpose whatsoever cause to be discharged from that reservoir into Booth Dean Clough on the days in the manner and during the hours specified (in relation to the Ringstone Reservoir) in sections 33 and 34 of the Act of 1880 the quantity of water herein-after mentioned that is to say the quantity of one hundred and ninety-eight gallons of water per minute and sections 35 36 and 37 of the Act of 1880 shall apply mutatis mutandis to the Booth Dean Reservoir and the water required to be discharged therefrom and shall be read and have effect as if that reservoir and the water to be discharged therefrom were referred to therein as well as the Ringstone Reservoir and the Green Withens Reservoir and the waters to be discharged therefrom respectively. The quantity of one hundred and ninety-eight gallons of water to be discharged from the Booth Dean Reservoir into the Booth Dean Clough as aforesaid shall be in addition to the several quantities of water which by the Act of 1880 the Corporation are required to discharge from the Ringstone Reservoir and Green Withens Reservoir into Booth Dean Clough and Castle Dean Clough and shall not be in substitution for the last-mentioned quantities of water or any part thereof.



**19.**—(1.) The compensation water which the Corporation are required to discharge (a) by the Act of 1880 into the Booth Dean Clough or Castle Dean Clough and (b) by this Act into the Booth Dean Clough shall be accepted and taken as full compensation to all persons interested in the waters to be taken impounded and appropriated by means of the reservoirs and works by the Act of 1880 and this Act authorised and in respect of which the said compensation water is given.

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Compensation water.

(2.) So soon as the Booth Dean Reservoir shall have been constructed the Corporation may if they think fit discharge from that reservoir (in addition to the water which they are by this Act required to discharge therefrom) the whole of the compensation water which they are by the Act of 1880 required to discharge from the Ringstone Reservoir (except the quantity of eighty-four gallons per minute of compensation water to be discharged into Butts Clough and which shall continue to be so discharged) and from Green Withens Reservoir or one of them and so long as they shall discharge such compensation water from the Booth Dean Reservoir the obligation imposed by the Act of 1880 to discharge water from the Ringstone Reservoir and Green Withens Reservoir shall cease except in regard to the quantity of compensation water to be discharged as aforesaid into Butts Clough.

(3.) Sections 33 34 35 36 and 37 of the Act of 1880 shall as long as the Corporation shall elect to discharge the compensation water from the Booth Dean Reservoir apply to that reservoir and those sections shall be read and have effect as if that reservoir were substituted for the Ringstone Reservoir and Green Withens Reservoir respectively: Provided that the discharge of any compensation water which shall be discharged by the Corporation from the Booth Dean Reservoir shall notwithstanding anything in section 33 of the Act of 1880 commence at 5 o'clock in the morning of each day.

**20.** The works authorised by this Act shall form part of the water undertaking of the Corporation.

Waterworks to be part of water undertaking.

**21.**—(1.) The Corporation may for the purposes of this Act from time to time independently of any other borrowing power borrow at interest any sum or sums of money not exceeding in the whole the sum of one hundred and seventy thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for the execution of the works authorised by this Act or extension or improvement of their waterworks and for the purpose of securing the repayment of the moneys borrowed under this Act and interest the Corporation may mortgage or charge the district fund and general district rate and the revenue of their water undertaking or either of those securities.

Power to borrow.

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(2.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(3.) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Mode of raising moneys.

**22.** The Corporation may raise all or any sums of money which they are authorised to borrow under this Act either by mortgage or by the creation and issue of adequate amounts of Corporation stock authorised by the Act of 1887 as amended by this Act.

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

**23.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

**24.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

Period for payment off of money borrowed.

**25.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say) :—

As to moneys borrowed for waterworks purposes within the limit of one hundred and seventy thousand pounds within sixty years from the date or dates of the borrowing of the same respectively.

As to moneys borrowed for the payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing this Act within twenty years from the date of the borrowing of the same.

As to moneys borrowed for waterworks purposes with the approval of the Local Government Board within such period as they may think fit to sanction.

**26.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly: Provided that any moneys for the time being standing to the credit of any sinking fund created in pursuance of this section may be invested upon any statutory securities as defined by the Act of 1887.

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Mode of  
payment off  
of money  
borrowed.

**27.** If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to  
re-borrow.

**28.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection  
of lender  
from  
inquiry.

**29.** Money borrowed or raised by the Corporation under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Application  
of money  
borrowed.

**30.** The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in

Annual  
return to  
Local  
Govern-  
ment Board  
with respect  
to sinking  
fund.

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

Power to  
issue new  
class of  
stock.

**31.** Notwithstanding anything contained in section 69 of the Act of 1887 the Corporation may from time to time create and issue a new class of redeemable Corporation stock bearing such dividend not exceeding three pounds ten shillings per centum per annum as the Corporation may by the resolution for such issue determine: Provided that all stock at any time and from time to time created under this Act shall be created on and subject to such terms and conditions as that the same shall be of one and the same class of stock bearing dividend at one and the same rate and being redeemable by the Corporation at one and the same date and that such stock shall in other respects be subject to the provisions of the Act of 1887 as if the same had been created and issued under the powers of that Act.

Costs of  
Act.

**32.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under the provisions of this Act.

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