



CHAPTER cli.

An Act to empower the Corporation of Morley in the west riding of the county of York to make additional waterworks and for other purposes. A.D. 1890.
[4th August 1890.]

WHEREAS the borough of Morley in the west riding of the county of York is under the government of the mayor aldermen and burgesses of the borough (in this Act referred to as the Corporation) and the Corporation acting by the council are the urban sanitary authority for the borough :

And whereas the Corporation have in accordance with the provisions of the Public Health Act 1875 established waterworks and are now supplying the borough with water but such supply is inadequate to meet the existing and growing demands of the inhabitants of the borough and it is expedient that the Corporation be empowered to construct the additional waterworks and to acquire the water supply by this Act authorised :

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 such estimates amount to the sum of one hundred 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-fifth day of November one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Morley Observer* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such

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And whereas such resolution was published twice in the said *Morley Observer* 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 thirteenth day of January one thousand eight hundred and ninety being no less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 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 were duly 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) :—

Short title. 1. This Act may be cited as the *Morley Corporation Water Act 1890.*

Provisions of certain general Acts incorporated. 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 :—

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (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) ;

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 reservoir by this Act authorised. A.D. 1890.

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— Interpretation of terms.

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

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

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

And in this Act unless the context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Morley;

“The borough” means the borough of Morley;

“The council” means the council of the borough;

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

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

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.

4. The limits of this Act for the supply of water shall be the borough. Water limits.

5. 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 as an urban sanitary authority. Act to be executed by Corporation.

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 waterworks and other works following (that is to say):— Power to make waterworks.

Work No. 1. A reservoir (in this Act called the Withens Clough Reservoir) situate in the townships of Erringden and Sowerby

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or one of them in the west riding of the county of York and to be formed by an embankment placed across Withens Clough.

Work No. 2. An aqueduct or conduit commencing in the stream called Rudstoops Clough and terminating at the northern end of the said reservoir embankment :

Work No. 3. An aqueduct or conduit commencing at a water-course at the edge of Turley Holes and Higher House Moor and terminating at the southern end of the said reservoir embankment :

Work No. 4. An aqueduct conduit or line of pipes commencing at the centre of the said reservoir embankment and terminating at the existing service reservoir of the Corporation at Bruntcliffe in the borough :

Together with all necessary and proper embankments culverts channels outfalls weirs gauges pipes roads approaches and conveniences connected with the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing or managing the same Provided that the authority in this Act contained to construct the said reservoir shall not relieve the Corporation from any right of action to which except for such authority they would be liable in the event of the bursting or failure of the said reservoir.

For the protection of the west riding county council.

7. In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county and main road bridges of the west riding of the county of York the following provisions for the protection of the county council of the west riding (in this section called the county council) shall have effect unless otherwise agreed on in writing between the council and the Corporation (that is to say) :—

(1.) The aqueduct conduit or line of pipes shall be constructed and laid in such position at the side of the main road as the county council shall by writing under the hand of the surveyor to the county council reasonably direct and shall not be constructed or laid in upon or across any county or main road bridge but shall at the option of the Corporation be carried over the stream crossed by any such bridge by means of wrought-iron riveted tubing entirely separate from and independent of such bridge or in the manner shown on the plans which have been submitted to and approved of by the surveyor to the county council and the gradient of any such bridge and of the respective approaches thereto shall not be altered.

(2.) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the reasonable superintendence and to the reasonable satisfaction of the said surveyor in

accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such work. Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof. Provided also that if any part of such work shall be proposed to be executed in the manner shown on the plans already approved by the said surveyor as aforesaid no further plans and sections relative thereto need be deposited but the Corporation shall give to the surveyor one calendar month's notice of their intention to proceed with the works shown in such approved plans.

- (3.) The works shall be so executed as not to stop the traffic and so far as reasonably practicable so as not in any way to impede or interfere with the traffic of any main road or county or main road bridge or any approaches thereto.
- (4.) The Corporation shall pay to the county council the reasonable expenses incurred by them in relation to the reasonable superintendence by this Act authorised.
- (5.) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to remove alter or renew any such county or main road bridge or the approaches thereto alongside or near to which the said aqueduct conduit or line of pipes is carried in the same manner as they might have removed altered or renewed any such bridge or the approaches thereto if this Act had not been passed and such aqueduct conduit or line of pipes had not been constructed or laid over such bridge 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 bridge or the approaches thereto alongside or near to which the said aqueduct conduit or line of pipes is laid being removed altered or renewed as aforesaid the Corporation shall at their own expense alter the position of the works by which such aqueduct conduit or line of pipes is carried alongside or near to any such bridge or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the said surveyor to the said county council. Provided that during the removal alteration or renewal of any such bridge as aforesaid the county council shall afford at the like cost of the Corporation all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across the stream so as not to interrupt the continuous supply of water.

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(6.) If any difference arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

For the
protection
of John
Herbert
Riley.

8. For the protection of John Herbert Riley or other the owner or owners for the time being of the Erringden Estates now belonging or reputed to belong to the said John Herbert Riley (all of whom are herein-after referred to as the owner) the following provisions shall be observed and have effect (that is to say):—

(a) The Corporation shall during the construction of the Withens Clough Reservoir and works in connexion therewith keep in good and effectual repair and for a further period of twelve months from the completion of the said works continue to keep in repair and uphold such of the roads as the Corporation may require on the said estates to use for haulage or other purposes and all such other roads which the Corporation may require to use as aforesaid (not being highways repairable by the local authority) as the owner has for the time being the user of as access to or egress from the said estates and for ever after the expiration of the said period of twelve months from the completion of the said works the Corporation shall contribute towards the maintenance and repair of the said roads a ratio of the expenses thereof proportioned to their user of the same.

(b) If for the purposes of the construction of the works by this Act authorised it shall be necessary for the Corporation to stop up divert or otherwise interfere with any occupation road belonging to the owner or to the use of which he is entitled the Corporation shall before commencing to stop up divert or otherwise interfere with any such road at their own expense provide for the accommodation of the owner a substituted occupation road.

(c) Notwithstanding anything in this Act contained the owner shall be entitled for the purpose of supplying his Swan Bank and other estates with water for domestic farming and agricultural purposes to abstract a sufficient quantity of water from the Dole or Sunderland pasture now flowing or which may flow to Rudd Stoops Clough and for that purpose lay down construct and maintain all such pipes conduits channels watering places troughs cisterns or other works as may be requisite or necessary for conveying and holding the same.

(d) If in the exercise of the powers by this Act granted the other water supplies now enjoyed by the owner are diverted or interfered with the Corporation shall whenever it may be practicable furnish from time to time and at all times such a quantity of water as may be necessary for the purpose of watering cattle farming and agricultural purposes free from all rates costs and charges in respect thereof and shall lay down provide and maintain at their own cost all such pipes conduits watering places troughs cisterns taps and apparatus as may be requisite for conveying and containing the same And in case it shall not be practicable so to do then the Corporation shall pay to the owner full compensation for the loss and injury he may sustain by reason of the diversion of or interference with such waters.

(e) The rights of fishing fowling and sporting in and over so much of the Withens Clough Reservoir as is situate on lands belonging to the owner and upon any other lands belonging to the owner which may be taken by the Corporation under the powers of this Act are exclusively reserved to the said owner and for that purpose he and any persons authorised by him shall have free access to the same and may carry away and appropriate all fish game and other birds and fowl taken or killed thereon. Provided nevertheless that rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and to do all such acts and things as may be necessary for cleaning repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

(f) Any dispute or question which may from time to time arise between the Corporation and the owner with respect to any work to be executed the supply of water the payment of compensation or the number or situation or capacity of the watering places troughs cisterns and other works to be provided by the Corporation shall be referred to and determined by arbitration and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable apply to any such arbitration.

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For protection of the Great Northern Railway Company.

9. 1. Any mains or pipes to be laid down by the Corporation in the exercise of the powers conferred by this Act on or in any way affecting any railway belonging to the Great Northern Railway Company or any of the bridges or works thereof shall be laid down under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that company and according to plans to be reasonably approved by him but in all things at the expense of the Corporation and so as to cause no injury to any such railway bridges or works or interruption to the passage or conduct of traffic over any such railways and if in consequence of the laying of such mains or pipes any injury be caused to any such railways bridges works lands or property or any interruption be caused to such traffic the Corporation shall make full compensation to that company in respect of such injury or interruption.

2. If any difference arises between the Corporation and the Great Northern Railway Company as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

For protection of London and North-western Railway Company.

10. The following provisions for the protection of the London and North-western Railway Company (herein-after called the railway company) shall be in force and have effect and be binding on the Corporation :—

In laying down and executing or in effecting the repairs (other than urgent repairs in case of accident) and renewals of any mains pipes or other works upon across over under or in any way affecting the railways now or hereafter belonging to or worked by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by any such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations or

works or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any bridge or level crossing the Corporation shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable.

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11. The following provisions shall have and take effect for the protection of the rights privileges powers and authorities of the mayor aldermen and burgesses of the borough of Halifax (hereinafter called the Corporation of Halifax) :—

For the protection of the Corporation of Halifax.

Notwithstanding anything in this Act contained the Corporation shall not either directly or indirectly supply any water nor enter into any contract with any corporation local board or any local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purposes of water supply by the Corporation of Halifax defined by the Halifax Water and Gas Extension Act 1870 and by the Acts referred to in the First Schedule to the last-mentioned Act nor within any township district or place within which water is at the time of the passing of this Act either directly or indirectly supplied by the Corporation of Halifax.

12. In laying down and executing the repairs and renewals of any mains pipes or other works upon across over or under the Anchor Bridge situate at Brighthouse over the Calder and Hebble Canal the Corporation shall not lessen or diminish the height or width of the waterway under such bridge and all such works matters and things done in such repairs or renewals shall be executed and done so as not to cause any injury or interruption to the traffic passage or user of the said canal by the said navigation their lessees servants or other persons using such canal with or by their authority.

For the protection of the Calder and Hebble navigation.

13. For the protection of Hinchcliffe Hinchcliffe or other the owner or owners for the time being of the Erringden Estates which now belong to the said Hinchcliffe Hinchcliffe (all of whom are herein-after referred to as the owner) the following provisions shall be observed and have effect (that is to say) :—

For the protection of Hinchcliffe Hinchcliffe.

(a) The Corporation shall during the construction of the Withens Clough Reservoir and works in connexion therewith keep in

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good and effectual repair and for a further period of twelve months from the completion of the said works continue to keep in repair and uphold such of the roads as the Corporation may require on the said estates to use for haulage or other purposes and all such other roads (not being highways repairable by the local authority) which the Corporation may require to use as aforesaid as the owner has for the time being the user of as access to or egress from the said estates and for ever after the expiration of the said period of twelve months from the completion of the said works the Corporation shall contribute towards the maintenance and repair of the said roads a ratio of the expenses thereof proportioned to their user of the same.

(b) If for the purposes of the construction of the works by this Act authorised it shall be necessary for the Corporation to stop up divert or otherwise interfere with any occupation road belonging to the owner or to the use of which he is entitled the Corporation shall before commencing to stop up divert or otherwise interfere with any such road at their own expense provide for the accommodation of the owner a substituted occupation road.

(c) If in the exercise of the powers by this Act granted the water supplies (if any) enjoyed by the owner are diverted or interfered with the Corporation shall whenever it may be practicable furnish from time to time and at all times such a quantity of water as may be necessary for the purpose of watering cattle farming and agricultural purposes free from all rates costs and charges in respect thereof and shall lay down provide and maintain at their own cost all such pipes conduits watering places troughs cisterns taps and apparatus as may be requisite for conveying and containing the same. And in case it shall not be practicable so to do then the Corporation shall pay to the owner full compensation for the loss and injury he may sustain by reason of the diversion of or interference with such waters.

(d) The rights of fishing fowling and sporting in and over so much of the Withens Clough Reservoir as is situate on lands belonging to the owner and upon any other lands belonging to the owner which may be taken by the Corporation under the powers of this Act are exclusively reserved to the said owner and for that purpose he and any persons authorised by him shall have free access to the same and may carry away and appropriate all fish game and other birds and fowl taken or killed thereon :

Provided nevertheless that rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and to do all such acts and things as may be necessary for cleansing repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

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- (e) Any dispute or question which may from time to time arise between the Corporation and the owner with respect to any work to be executed the supply of water the payment of compensation or the number or situation or capacity of the watering places troughs cisterns and other works to be provided by the Corporation shall be referred to and determined by arbitration and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall so far as they are applicable apply to any such arbitration.

14. By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses 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 gas and water pipes interfered with by the Corporation within the district of the local board of Brighouse have effect namely:—

For protection of the
Brighouse
Local Board.

- (1.) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road or street sewer drain gas pipe or water pipe belonging to or under the control of the local board except with the consent of such local board.
- (2.) Any works of alteration of sewers drains or gas pipes or water pipes belonging to the local board which may be rendered necessary by the execution of the works authorised by this Act shall be executed according to plans to be reasonably approved by the surveyor of the local board and shall be executed by the workmen of the local board under the superintendence of such surveyor and to his satisfaction and all reasonable costs and expenses of and incident to such works shall be paid by the Corporation to the local board forthwith on the completion of such works.
- (3.) A clear and sufficient carriageway shall so far as practicable be kept for the passage of carriages and traffic along every

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such road or street during any interference therewith by the Corporation for the purposes of this Act and in case of default in the reasonable compliance with this enactment the local board 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.

- (4.) The Corporation shall pay to the local board 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 district of the local board 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 Acts.
- (5.) Every conduit or water pipe (other than a service pipe) of the Corporation laid across any gas or water main conduit or pipe (other than a service pipe) of the local board shall be so constructed and laid as to leave between them a space of one foot at the least and to be self-supporting for a distance of three feet at least on either side of such gas or water main conduit or pipe at the point of crossing so that the local board may the more easily repair the same gas or water main conduit or pipe when necessary.
- (6.) In constructing or laying down the aqueduct conduit or line of pipes (Work No. 4) along any road (whether carried on a bridge or not) within the district of the local board the Corporation shall not without the consent in writing of the local board raise the surface or level of such road.
- (7.) Notwithstanding anything in this Act contained it shall be lawful for the local board at any time or times after giving the Corporation three months notice of their intention so to do to remove alter or renew the two bridges in the local board district commonly known as the Anchor Bridge over the Calder and Hebble Canal and the Clifton Bridge over the Clifton Beck or either of them and the approaches thereto to the extent of 50 yards on either side of the said bridges over which the said aqueduct conduit or line of pipes is carried in the same manner as they might have removed altered or renewed such bridges and the approaches thereto if this Act had not been passed and such aqueduct conduit or line of pipes had not been constructed or laid over such bridges 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 such bridges and approaches over which the said aqueduct conduit or line of pipes is laid being removed altered or renewed as aforesaid the Corporation shall at their own expense alter the position of the pipe by which such aqueduct conduit or line of pipes is carried across such bridges and the approaches thereto as aforesaid and replace the same to the satisfaction of the surveyor of the local board :

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Provided that in case it shall be necessary to remove such aqueducts conduits or lines of pipes during the reconstruction of the said bridges or either of them the local board shall afford at the like cost of the Corporation all reasonable facilities for temporarily carrying such aqueducts conduits and lines of pipe across the canal and beck respectively so as not to interrupt the continuous supply of water.

15. By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses 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 gas and water pipes interfered with by the Corporation within the district of the Elland Local Board of Health have effect (namely) :—

For protection of Elland Local Board of Health.

- (a) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road or street sewer drain gas pipe or water pipe belonging to or under the control of the said local board except with the consent of the local board.
- (b) Any works of alteration of sewers drains or gas pipes or water pipes belonging to the said local board of health which may be rendered necessary by the works authorised by this Act shall be executed according to plans to be approved by the surveyor for the time being of the said local board and shall be executed by the workmen of the said local board under the superintendence of such surveyor and to his satisfaction and all reasonable costs and expenses of and incident to such works shall be paid by the Corporation to the said local board forthwith on the completion of such works.
- (c) A clear and sufficient carriageway shall so far as practicable be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Corporation for the purposes of this Act and in case of default in reasonable compliance with this enactment the said local

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board 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.

(d) 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 said local board nor without the like consent shall any works be carried on at the same time within that district 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 shall not cast the same upon any part of such road or street but shall by proper means convey such water away to the nearest convenient sewer drain or channel of sufficient capacity or to such sewer drain channel or place as shall be reasonably pointed out by the surveyor of the said local board.

(e) The Corporation shall pay to the said local board 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 district of the said local board 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.

(f) No water main shall be laid down by the Corporation in any road or street within the district of the said local board within such a distance as may prevent the said local board of health from having sufficient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the said local board and laid down in the same road or street.

For protection of Rastrick Local Board of Health.

16. By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses 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 gas and water pipes interfered with by the Corporation within the district of the Rastrick Local Board of Health have effect (namely):—

(a) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road or street sewer drain gas pipe or water pipe belonging to

or under the control of the said local board except with the consent of the local board.

- (b) Any works of alteration of sewers drains or gas pipes or water pipes belonging to the said local board of health which may be rendered necessary by the execution of the works authorised by this Act shall be executed according to plans to be approved by the surveyor for the time being of the said local board and shall be executed by the workmen of the said local board under the superintendence of such surveyor and to his satisfaction and all reasonable costs and expenses of and incident to such works shall be paid by the Corporation to the said local board forthwith on the completion of such works.
- (c) A clear and sufficient carriageway shall so far as practicable be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Corporation for the purposes of this Act and in case of default in reasonable compliance with this enactment the said local board 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.
- (d) 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 said local board nor without the like consent shall any works be carried on at the same time within that district 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 shall not cast the same upon any part of such road or street but shall by proper means convey such water away to the nearest convenient sewer drain or channel of sufficient capacity or to such sewer drain channel or place as shall be reasonably pointed out by the surveyor of the said local board.
- (e) The Corporation shall pay to the said local board 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 district of the said local board 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.

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(f) No water main shall be laid down by the Corporation in any road or street within the district of the said local board within such a distance as may prevent the said local board of health from having sufficient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the said local board and laid down in the same road or street.

(g) The Corporation shall within six months or such other time as may be agreed upon after the passing of this Act make the aqueduct conduit or line of pipes in Bramston Street in the local board district as delineated on the deposited plans.

For the protection of the Lancashire and Yorkshire Railway Company.

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

In laying down or constructing any mains pipes or other works of the Corporation under the authority of this Act or in the renewal repair (other than urgent repairs in case of accident) removal or alteration thereof upon across over or under the railway stations tunnels bridges approaches or other works now or hereafter belonging to or used by the company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and according to such plans and in such manner as shall be previously submitted to and reasonably approved by such engineer and by and at the expense in all things of the Corporation who shall restore and make good the roads over or under any bridges and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any works or operations of the Corporation.

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

expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works. A.D. 1890.

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

18. All lands rights easements interests and privileges required by the Corporation from the owner or owners for the time being of the estates in the townships of Sowerby and Erringden in the county of York belonging to John Fielden and John Ashton Fielden or both or either of them (both of whom are in this section meant by and included in the expression the owner) for the purposes of this Act shall be acquired and held subject to the following provisions (that is to say):—

For the protection of John Fielden and John Ashton Fielden.

(a) The Corporation shall as soon as may be after they shall have taken possession of the land required for the construction of the Withens Clough Reservoir or for any of the works or purposes in connexion therewith and shall have been required so to do by the owner fence off the same land from the other lands of the owner.

(b) The Corporation shall construct maintain and keep the catchwaters conduits and lines of pipes for conveying the water through the said estate watertight and the Corporation shall from time to time make good any damage done or which may occur to the said estate or the owner or his tenants during the construction or maintenance of the works by reason or in consequence of the leaking overflow or any failure of any of the above-mentioned works in the said estate authorised by this Act.

(c) Notwithstanding the construction by the Corporation of the catchwater conduit and other works through the said estate the owner shall not be precluded from improving by drainage such portions of his estate as are now or hereafter may be enclosed (provided that the water arising from such drainage shall not without the consent of the Corporation be diverted from the said catchwater conduits and other works) nor shall the owner be precluded from the cultivation and improvement of the same portions of his estate by the application thereto of limes manures or other fertilising substances but if the Corporation shall consider that any portion of the water intercepted by such conduits and other works is fouled or deteriorated by such cultivation or improvement they may if they so think fit at their own expense carry such waters as they may consider

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so fouled or deteriorated across the said catchwaters conduits and other works by side channels culverts pipes or other means and discharge the same waters upon the lands of the owner at the other side of such catchwater conduits and other works Provided always that subject to the right of any present tenant to compensation nothing herein contained shall authorise the owner or occupier of any land to foul any water intercepted by the Corporation by the process of surface irrigation with water and manure called swilling or to swill any lands from which water may be collected by the Corporation and the said process shall as regards any lands lying above or at a higher level than the said catchwater conduits and other works absolutely ceased to be carried on.

The owner undertakes not to exercise his rights in regard to his lands and powers in such a manner as to pollute or injure the water which may or can be intercepted or collected by the works by this Act authorised.

- (d) The Corporation shall to the reasonable satisfaction of the owner or his agent construct and maintain such number of passages or roadways not exceeding eight per mile over any uncovered catchwater or conduit (such passages or roadways not being of a greater width than nine feet each) as may be necessary for the convenient use and enjoyment of the land on either side thereof.
- (e) No temporary huts and erections which shall be required by the Corporation in the said townships of Sowerby and Erringden for the accommodation of overseers servants workmen navvies and other persons employed during the construction of the said works shall be erected upon any part of the moorland now belonging to the owner except in some convenient place or places by the side of the reservoir to be agreed upon.
- (f) The exclusive right of fishing stocking with fish fowling and sporting in and over so much of the Withens Clough Reservoir and open channels and other waterworks to be constructed under this Act as are situate on lands now belonging to the owner and the exclusive right of sporting and fowling in and over the surface of any lands purchased by the Corporation from the owner are hereby reserved to the owner and for that purpose the owner and any persons authorised by him or them shall have free access to the same and may carry away and appropriate all fish game and other birds and fowl taken or killed thereon. 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 any-

wise interfere with the right power and authority of the Corporation at all times to draw off the water from the said reservoir 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 water therein from being fouled or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

- (g) During the construction of the works numbered 1 2 and 3 by this Act authorised twenty-one shillings per week shall be paid by the Corporation to the owner to enable him to provide watchers and other servants for the protection of his estates.
- (h) The Corporation shall during the construction of the Withens Clough Reservoir and works in connexion therewith keep in good and effectual repair and for a further period of twelve months from the completion of the said works continue to keep in repair and uphold such of the roads as the Corporation may require on the said estate to use for haulage or other purposes and all such other roads which the Corporation may require to use as aforesaid (not being highways repairable by the local authority) as the owner has for the time being the user of as access to or egress from the said estates and for ever after the expiration of the said period of twelve months from the completion of the said works the Corporation shall contribute towards the maintenance and repair of the said roads a ratio of the expenses thereof proportioned to their user of the same.
- (i) If for the purposes of the construction of the works by this Act authorised it shall be necessary for the Corporation to stop up divert or otherwise interfere with any occupation roads belonging to the owner or to the use of which he is entitled the Corporation shall before commencing to stop up divert or otherwise interfere with any such road at their own expense provide for the accommodation of the owner a substituted occupation road.
- (j) Nothing in this Act contained shall authorise the Corporation to stop up divert use or travel on or in any wise interfere with the private road on the Withens Moor Estate leading from Marshaw Bridge to Fletcher Dyke except such part of the road as may be included in any land of the owner which may be acquired by the Corporation under the powers of this Act.

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Adjustment
of rights as
between the
Corporation
and the
Rochdale
Canal Com-
pany.

19. Whereas the company of proprietors of the Rochdale Canal (in this section called the company) are by virtue of the Act 34 George III. cap. 78 and certain other Acts empowered to make reservoirs aqueducts and other works in upon or near certain moors or commons called Blackstonedgedale and are entitled to certain water rights :

And whereas it is apprehended that the exercise of the rights and powers of the Corporation may interfere with the exercise of the rights and powers of the company and vice versa and it is expedient that provision be made in regard thereto Now therefore the following provisions shall (but only as between the Corporation and the company) have effect (that is to say) :—

(1.) The right of the company to collect and impound the waters arising falling or being on the hills and moorlands including the upper part of the drainage area of Withens Clough is admitted by the Corporation and the Corporation shall so exercise the powers conferred upon them by this Act as not to interfere with the existing catchwater drain of the company or the collecting and impounding by the company of waters arising falling or being upon the said drainage area above the said existing catchwater drain And the company give up and relinquish all their rights or claims to the waters arising falling or being upon the said drainage area below the said existing catchwater drain and (except as herein-after mentioned) all rights to construct works thereon below such catchwater drain The portion of the said drainage area below the said existing catchwater drain is in this section referred to as the Corporation gathering ground.

(2.) The company shall not oppose any future application to Parliament by the Corporation for waterworks powers over or in respect of the parts of the said hills and moorlands lying to the south of the Corporation gathering ground and east of the existing works of the company and below the level of the 1200 feet contour line shown upon the present six-inch Ordnance map except so far as such new powers may be inconsistent with the provisions of this section And the Corporation shall not either by such further powers or otherwise and either directly or indirectly interfere with or endeavour to restrict or prevent the collection impounding and appropriation by the company of all or any water arising falling or being on any other part of the said hills or moorlands outside the Corporation gathering ground and on or towards the east of any existing works of the company above the said contour line or oppose any application to Parliament by the

company for further rights and powers over or in respect of such last-mentioned waters except so far as such further rights and powers may be inconsistent with the provisions of this section or the full exercise and enjoyment of the powers conferred by this Act. A.D. 1890.

(3.) The Corporation shall not interfere with the construction by the company under their existing or any future powers of any reservoir together with any aqueduct or conduits for conveying water to and from such reservoir in the parts of the said hills or moorlands lying to the south of the Corporation gathering ground and east of the existing works of the company below the level of the said contour line for the purpose of impounding any water that they may be entitled to take Provided that the company shall not take or divert into any such reservoir or works any water arising falling or being upon any part of the said hills and moorlands below the said contour line and shall not construct any such reservoir at a lower level than is reasonably necessary for impounding waters arising falling or being on the said hills and moorlands above the said contour line.

(4.) The Corporation shall not interfere with the construction by the company under their existing or any future powers of any conduit or other work for conveying water across the Corporation gathering ground at a level not below the said contour line provided that such proper provision be made and maintained as the Corporation shall require and at the cost of the Corporation for securing to them the waters arising falling or being upon so much of the Corporation gathering ground as shall lie between the said existing catchwater drain of the company and such new conduit or other work and the company shall not so long as they shall comply with the requirements of the Corporation be responsible to the Corporation for the repair of the works so to be provided at the cost of the Corporation.

20. 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 from time to time for the purpose of their waterworks collect impound take use get and appropriate such of the waters of the Withens Clough Fletcher Dike Jack Clough Rudstoops Clough and their tributaries as can or may be intercepted collected or impounded by the Withens Clough Reservoir and the aqueducts or conduits described as Works

Power to
take lands
and waters.

A.D. 1890. — No. 2 and No. 3 by this Act authorised and all waters found in on or under any of the lands acquired by the Corporation.

Power to deviate.

21. In constructing the waterworks and other works by this Act authorised or any of them 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 where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of the Withens Clough Reservoir and five feet upwards or downwards in respect of any other work. Provided always that the height of the embankment of the Withens Clough Reservoir as shown on the deposited sections above the general surface of the ground shall not be increased by reason of any such lateral deviation as aforesaid.

Time for completion of works.

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

Compensation water.

23. With respect to the water to be taken and the compensation water to be afforded by the Corporation the following provisions shall have effect (that is to say) :—

- (1.) The Corporation shall before and as a prior condition to taking for the purpose of supply any water from the streams and waters which they are by this Act authorised to take discharge into Withens Clough from the Withens Clough Reservoir at least five hundred and eighty thousand gallons of water per day and such discharge shall be as nearly as possible regular and continuous throughout each day but the Corporation shall not take any of the said waters (except for the purpose of constructing the said works) until the reservoir by this Act authorised shall be completed and fit for use.
- (2.) The Corporation shall before taking for the purpose of supply any water from the streams and waters which they are by this Act authorised to take construct and for ever thereafter maintain in good working order and condition within a distance of one hundred yards from the foot of the embankment of the Withens Clough Reservoir a suitable measuring gauge over or through which the compensation water shall flow or be discharged and such other works as shall be necessary to carry into effect the provisions of this section.

- (3.) The said gauge and other works respectively shall at all reasonable times be open to the inspection and examination of the undertakers of the navigation of the Rivers of Aire and Calder in the west riding of the county of York and of the company of proprietors of the Calder and Hebble Navigation and also of the occupiers of all mills and works interested in the flow of the water of the Withens Clough.
- (4.) If at any time any such gauge or other works shall be out of repair or in an unfit condition for the purpose for which it is intended the Corporation shall forthwith put the same in fit repair and condition and if they fail to do so within seven days after notice in writing given to them in that behalf by or on behalf of the said undertakers or the said company of proprietors or any of the occupiers of mills and works interested in the flow of the water then the said undertakers or the said company of proprietors or any such persons may cause the said gauge or other works to be put in fit repair and condition and may recover the reasonable cost of so doing from the Corporation with full costs of the proceedings in any court of competent jurisdiction.
- (5.) If the Corporation shall wilfully or after written notice negligently fail to send down compensation water in manner by this section provided the Corporation shall for and during every day on which such failure shall occur forfeit and pay by way of penalty a sum not exceeding the sum of five pounds to the occupier of any mills and works interested in the flow of the water of the Withens Clough who shall have actually suffered damage or loss by reason of such failure and also to the said undertakers and to the said company of proprietors such penalties to be recoverable summarily with full costs of the proceedings.
- (6.) If any difference shall arise between the Corporation and the said undertakers or the said company of proprietors or the occupier of any mill or works interested with respect to the construction and use of the said gauge or other works such difference shall be settled and determined by a hydraulic engineer to be nominated (unless otherwise agreed on between the parties in difference) on the application of either party (after seven days notice in writing to the other of them) by the Board of Trade and the costs of and incident to the investigation and determination shall be borne as the said engineer shall determine.
- (7.) The provisions of this section shall be accepted and taken by all persons and companies interested as full compensation for

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all water the Corporation may or can at any time collect divert impound and abstract from the streams and waters authorised by this Act to be taken for the purpose of their waterworks.

Period for compulsory purchase of lands.

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

Power to take additional lands by agreement.

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

Power to take easements &c. by agreement.

26. 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 as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Reservation of water rights &c. on sale.

27. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to hold lands for protection of works.

28. 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 the Lands Clauses Consolidation Act 1845 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.

29. The proceeds of the sale of any superfluous 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 under the provisions of this Act 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 moneys so applied in the discharge of borrowed money shall not be re-borrowed.

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

30. 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 :

Restriction on taking houses of labouring class.

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

31. The water to be supplied by the Corporation shall be constantly laid on under pressure but the Corporation shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the existing Bruntcliffe Reservoir of the Corporation.

Constant supply and pressure.

32. The Corporation may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following (that is to say) :—

Rates for water supply.

If the rateable value does not exceed four pounds the rate or sum of eight shillings and eightpence per annum ;

If the rateable value exceeds four pounds but does not exceed seven pounds at a rate per centum per annum not exceeding twelve pounds ;

If the rateable value exceeds seven pounds but does not exceed twenty pounds at a rate per centum per annum not exceeding nine pounds ten shillings ;

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If the rateable value exceeds twenty pounds but does not exceed forty pounds at a rate per centum per annum not exceeding seven pounds ;

If the rateable value exceeds forty pounds but does not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings ;

If the rateable value exceeds eighty pounds at a rate per centum per annum not exceeding six pounds :

Provided that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate or charge is paid for the whole of such dwelling-house.

Rates for
waterclosets
and private
baths.

33. In addition to the rates computed as above specified the Corporation may charge for a second watercloset and for any private bath in any private dwelling-house or part of such dwelling-house or appurtenance thereto the following rates (that is to say) :—

When the rateable value shall not exceed twenty pounds the sum of six shillings per annum ;

When the rateable value shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum ;

When the rateable value shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum ;

When the rateable value shall exceed eighty pounds the sum of twelve shillings per annum ;

And for every additional watercloset beyond the second and for every additional bath beyond the first the sum of five shillings a year respectively.

Definition
of rateable
value.

34. The rateable value shall for the purposes of the last two preceding sections be ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid The apportionment in case of dispute to be determined by two justices.

Corporation
not to be
compelled
to supply
certain
closets or
baths.

35. The Corporation shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

36. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the Corporation or with the defaulting consumer to pay the arrears but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do.

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—
Incoming tenant not to be liable for arrears of water rent except by express agreement.

37. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say) :—

Regulations for preventing waste of water.

- (1.) The Corporation may from time to time make regulations for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.
- (2.) No such regulations shall be of any force or effect except within the part or parts of the borough which the Corporation are for the time being bound to supply and do in fact supply or are prepared to supply with water under constant pressure and unless and until such regulations shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same.
- (3.) A copy of all such regulations in force for the time being shall be kept at the office of the Corporation and all persons may at all reasonable times inspect such copy without payment and the Corporation shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two-pence for each copy.
- (4.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Corporation and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation

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publication and existence of such regulations without further or other proof.

(5.) In case of failure of any person to observe such regulations as are for the time being in force the Corporation may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

(6.) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Corporation or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Corporation may in addition thereto recover the amount of any damages sustained by them.

Charges for supply of water for other than domestic purposes.

38. The Corporation may supply water within the water limits for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Corporation and the person requiring the supply and the moneys payable for the supply shall be recoverable as water rates are recoverable under the Waterworks Clauses Act 1847 and sections 68 to 74 (both inclusive) of that Act shall have effect accordingly Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Power to sell or let meters.

39. The Corporation may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Corporation of such meters and fittings as may from time to time be agreed upon between the hirer and the Corporation.

40. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

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—
Notice to Corporation of connecting or disconnecting meters.

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

Register of meter to be *primâ facie* evidence.

42. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Corporation or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied or fraudulently abstracts or uses water of the Corporation he shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Fraudulently injuring pipes meters or fittings.

43. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all works necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to Corporation to supply materials.

44. Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a month the owner instead of the occupier shall pay the rate for the supply but shall be entitled to a discount at the rate of ten pounds

Rate payable by owners for small houses.

A.D. 1890. — per cent. provided that the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

Supply to
houses partly
used for
trade &c.

45. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Application
of water
revenue.

46. The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows:—

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and otherwise carrying on the water undertaking of the Corporation;

In payment of the interest upon money borrowed by the Corporation for their existing waterworks;

In payment of the interest upon money borrowed under this Act;

In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by the Corporation for their existing waterworks and in respect of money borrowed under this Act:

And any surplus revenue after deducting therefrom such reasonable sum as the Corporation may think fit for the purpose of carrying on the water undertaking shall be carried to the credit of the district fund.

Deficiency
of funds of
waterworks.

47. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough may include therein such sums (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rates.

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48. The existing waterworks of the Corporation together with all lands buildings mains pipes fixtures fittings apparatus and effects in connexion therewith and all existing rights powers and privileges of the Corporation in relation to the supply of water and the debt and liabilities incurred in respect thereof shall together with the works and undertaking authorised by this Act form one undertaking and is in this Act referred to as the water undertaking.

Existing waterworks of Corporation and works authorised by this Act to form one undertaking.

49. The Corporation may from time to time borrow for the purposes of and in manner provided by this Act any sum or sums not exceeding the sum of one hundred thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or otherwise in relation to their water undertaking and the Corporation may mortgage the revenue of their water undertaking and the district fund and general district rate (or either of those securities) to secure the repayment of the moneys borrowed with interest.

Power to borrow for purposes of Act.

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.

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.

50. 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.

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

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

Provisions of Public Health Act as to mortgages to apply.

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

A.D. 1890.

Period for
payment off
of money
borrowed.

52. 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 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 fifteen 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.

Payment off
of money
borrowed.

53. The Corporation shall pay off all money borrowed by them 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 are hereby incorporated with this Act.

Power to
borrow
under Local
Loans Act
1875.

54. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the prescribed periods.

Power to
re-borrow

55. 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.

56. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any 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.

A.D. 1890.
Protection
of lender
from in-
quiry.

57. The town clerk of the borough 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 such 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 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the 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 and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Annual
return to
Local
Government
Board with
respect to
sinking
fund.

58. Money borrowed 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.

59. All charges on the property revenues and rates of the Corporation existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Corporation under the powers of this Act.

Saving
priority of
existing
charges.

[Ch. cli.] *Morley Corporation Water Act, 1890.* [53 & 54 VICT.]

A.D. 1890.

Expenses
of Act.

60. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed on the security thereof under the powers of this Act.

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