

SECTION 6 TO 7.

[53 VICT.]

*Baildon Local Board Water Act, 1890.* [Ch. xvii.]

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Menston crosses the said beck and terminating in the reservoir by this Act authorised at a point seventy yards or thereabouts south-westwards from the point of termination of the aqueduct conduit or line of pipes (No. 1) by this Act authorised:

- (3) A reservoir wholly in the said township of Bingley-with-Micklethwaite to be formed by an embankment across the beck mentioned above in the description of the aqueduct conduit or line of pipes (No. 2) by this Act authorised at a point eighty yards or thereabouts eastward from the point at which the Birch Close allotment road crosses the said beck:
- (4) An aqueduct conduit or line of pipes (called on the deposited plans and sections "Work No. 4") wholly in the said township of Bingley-with-Micklethwaite commencing in the reservoir by this Act authorised at or near the foot of the inner slope of the embankment of the said reservoir and terminating in the existing conduit or line of pipes belonging to the local board at a point two hundred and seventy yards or thereabouts measured south-eastwardly along that existing conduit or line of pipes from Birch Close Spring:
- (5) A diversion wholly in the said township of Bingley-with-Micklethwaite of the Birch Close allotment road which leads from the highway between Eldwick and Menston to Birch Close Farm and Faweather such diversion commencing at a point in the said allotment road about one hundred and forty yards measured along that road from its junction with the said highway between Eldwick and Menston and terminating at a point opposite to the northerly end of the Birch Close Farm occupation road:

Together with all necessary and proper approaches embankments roads filtering beds wells tanks dams weirs gauges sluices culverts aqueducts drains mains pipes engines machinery and conveniences connected with the said works or any of them or necessary in connection with the impounding collecting utilising and distributing the waters of the springs and streams and other waters which by this Act the local board are empowered to divert impound and appropriate.

6. Subject to the provisions of this Act the local board may from time to time for the purpose of their waterworks undertaking collect impound take use divert and appropriate—

Power to  
take waters.

All such springs streams and waters as will or may be intercepted by the works authorised by this Act or as may be found in upon or under any lands for the time being belonging to the local board or which or easements over or in respect of which they may acquire under the powers

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of this Act and especially the several streams and waters mentioned in the preceding section of this Act and the following streams and waters (that is to say) Horncliff Beck Weecher Brow Beck Cocklake Well and White Flush.

As to compensation water.

7. (1) The local board shall before and as a prior condition to their taking appropriating or using for the supply of their district any of the waters aforesaid during every lawful working day deliver from the reservoir by this Act authorised into Weecher Brow Beck at a point situate not more than one hundred yards from the foot of the outer slope of the embankment of the said reservoir not less than one hundred and ten thousand two hundred and seventy-three gallons of water such delivery to be as nearly as possible regular and continuous throughout each such day Provided always that if the area of land for the time being drained by the streams of which the waters are by this Act authorised to be taken (which area at the present time comprises three hundred and seventy-nine acres or thereabouts) shall by any means be increased or if such area shall by any artificial means and without the consent or sanction of the local board be diminished then the quantity of water to be delivered from the said reservoir into Weecher Brow Beck pursuant to this section shall from time to time be increased or diminished accordingly in the ratio of two hundred and ninety gallons on each lawful working day for every acre of land by which such area shall be increased or diminished as aforesaid :

(2) The local board shall provide and at all times maintain suitable gauges and other instruments for measuring and recording the quantity of water delivered from the said reservoir in pursuance of this section :

(3) The said reservoir gauges and other instruments 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 also of all other persons interested in the flow of the water of the said Weecher Brow Beck or of the said Horncliff Beck below its junction with Weecher Brow Beck and a record of the quantity of water from time to time delivered from the said reservoir as aforesaid shall be kept at the office of the local board and the local board shall on Monday in every week cause a copy of such record for the preceding week to be sent by post addressed to the occupiers for the time being of Tong Park Mills :

(4) If at any time any of such gauges or instruments be out of repair or in an unfit condition for the purpose for which they are

intended the local board 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 any of the other persons interested in the flow of the water then the said Undertakers or any such person may cause the said gauges or instruments to be put in fit repair and condition and may recover the reasonable cost of so doing from the local board with full costs of the proceeding in any court of competent jurisdiction:

(5) The local board shall not take appropriate or use any of the said waters until the reservoir by this Act authorised shall be completed and fit for use and they have provided the said gauges and other instruments as aforesaid:

(6) In case of the failure of the local board to deliver the said quantity of water into Weecher Brow Beck from the said reservoir the local board shall be liable to a penalty not exceeding ten pounds for every day in which any such default shall occur such penalty to be recoverable summarily with the costs of the proceeding by any person interested in the subject matter of this complaint. Provided always that no action or other proceeding shall be brought or taken against the local board in respect of any alleged default after the expiration of three months from the date thereof:

(7) If any difference shall arise between the local board and the said Undertakers or any other person interested with respect to the construction or use of the said respective gauges or instruments 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 direct:

(8.) The provisions of this section shall be accepted and taken by the said Undertakers and all other persons interested in the waters of Weecher Brow Beck or in the waters of Horncliff Beck below the junction therewith of Weecher Brow Beck as full compensation for the waters which can be taken appropriated and used as aforesaid under the powers of this Act.

8. For the protection of the Bingley township local board (in this section called "the Bingley board") the following provisions shall have effect:—

For protection of the Bingley township local board.

(1) If at any time the Bingley board shall require a supply of water from the local board for so much of the township of Bingley-with-Micklethwaite as is comprised within the Micklethwaite ward and as lies to the east of an imaginary line drawn