

ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxxv.

An Act for making and maintaining certain Reservoirs in the Township of Rishworth in the Parish of Halifax in the West Riding of the County of York.

[14th June 1839.]

THEREAS there are Mills, Factories, and other Premises situated on or near the Line or Course of the flowing of the Waters in the Brook Ryburn, after the Waters passing from Green Withens Clough in the Township of Rishworth join the said Brook, and above its Junction with the River Calder at or near Sowerby Bridge, all in the Parish of Halifax in the West Riding of the County of York, using Water Wheels, Engines, or other Machinery worked by Waters flowing along such Brook, Stream, or Rivulet: And whereas the Supply of Water to such Mills, Factories, and Premises is very irregular, and during the Summer Months is frequently insufficient for effectually working the Wheels, Engines, and Machinery in such Mills, Factories, and Premises: And whereas such Irregularity and Insufficiency of Supply might in a great measure be remedied by the making and maintaining of a Reservoir and an Embankment or Embankments at or near Green Withens Clough in the Township of Rishworth in the said Parish of Halifax, across the Stream or Fall of Water passing or flowing down the said Clough, and another Reservoir and an Embankment or Embankments at or near Castle Dean in the said Township of Rishworth, also in $\lceil Local. \rceil$ Green

Green Withens Clough aforesaid, but lower down the same, both situate upon the Common or Waste Lands of Rishworth commonly called Rishworth Moors, in the said Township of Rishworth in the said Parish of Halifax in the West Riding of the said County of York, and by the making and maintaining of such other Works in the said Township of Rishworth as shall be requisite or convenient for conducting or conveying Water into such Reservoirs respectively, and for collecting, impounding, and penning up the Waters passing down Green Withens Clough aforesaid above such Embankments, and all Floods and other surface Waters usually arising or flowing near to the Sites of such Reservoirs respectively, or which may be diverted into the same, and for regulating the flowing of the Waters out of such Reservoirs respectively into the said Brook Ryburn, when required, for the Supply of the Mills, Factories, and Premises situate on or near the Line or Course of the said Stream or Brook below the Sites of such Reservoirs respectively, along the Line or Course of such Stream or Brook, to the Point of Junction of the said Stream or Brook with the River Calder at or near Sowerby Bridge in the Townships of Warley, Norland, and Sowerby, all in the said Parish of Halifax; but such Works cannot be made and maintained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees for the Time being of the Charities of the late John Wheelwright, Joshua Ingham, Archball, John Pickup, John Wheelwright, George Stansfield Wells, John Holroyd, Stansfeld Holroyd, John Priestley, Walker Priestley, Robert Stansfeld, Robert Edleston, Samuel Wild, Henry Lees Edwards, Charles Edwards, Henry Edwards, James Mallilieu, Benjamin Mallilieu, John Wilkinson Wheelwright, William Stead, William Pogson, John Shepherd, Henry Ingram, Henry Ingram the younger, William Edleston, James Fletcher Tonge, William Henry Rawson, William Henry Rawson the younger, John Rawson, William Toone, and all other Persons who now are Owners or Occupiers, and every Person who hereafter shall be an Owner or Occupier, or joint Occupier, of any Fall of Water or Mill of the Annual Value of One hundred Pounds, or upwards, liable to be rated by virtue of this Act, shall be and they are hereby declared to be "The Commissioners of the Rishworth Reservoirs."

Commissioners.

For electing a Commissioner in the stead of William Toone, &c.

II. And be it further enacted, That in case the said William Toone, or any Person to be appointed a Commissioner as hereinafter mentioned, shall die, be removed, refuse or neglect to act in the Execution of the Powers given in and by this Act, it shall be lawful for the Right Honourable John Savile Lumley Savile Earl of Scarbrough, his Heirs and Assigns, by Writing under his or their Hand, from Time to Time, when and as often as the same shall happen, to nominate and appoint some other Person to be a Commissioner for all the Purposes of this Act, in the Room and Stead of the said William Toone, or of such other Person so dying, being removed, refusing or neglecting to act as aforesaid.

III. And be it further enacted, That the said Commissioners shall Commissionand may in all Cases sue and be sued in the Name of any One of ers may sue the said Commissioners or of their Clerk for the Time being, and that no Action, Suit, or Information which may be brought, com- of any One menced, or filed, or Indictment which may be preferred or prosecuted, by or against the said Commissioners or any of them respectively, by virtue or on account of any thing contained in this Act, in the Name of any One of the said Commissioners or of their Clerk, shall abate or be discontinued by the Death or Resignation of any such Commissioner, or by the Death or Removal of any such Clerk, or by the Act of any such Commissioner or Clerk without the Consent of the said Commissioners, but any One of such Commissioners, or the Clerk for the Time being to the said Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, Information, or Indictment (as the Case may be): Provided always, that every such Commissioner or Clerk in whose Name any Action, Suit, Information, or Indictment shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he or they shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant therein; and that all Notices which in and by this Act are authorized or directed to be given by the said Commissioners shall and may be given under the Hand or Hands of any One or more of the said Commissioners or of their Clerk for the Time being, and shall be as valid and effectual to all Intents and Purposes whatsoever as if the same were given by or under the Hands of all the said Commissioners: Provided always, that such Notices be given by the Authority of or in pursuance of an Order or Resolution made at any Meeting or adjourned Meeting of the said Commissioners.

and be sued in the Name or more of the Commissioners or their Clerk.

IV. And be it further enacted, That no Commissioner, except the Qualification said William Toone, or the Commissioner for the Time being to be of Commisnominated and appointed by the said Earl of Scarbrough, his Heirs sioners. and Assigns as aforesaid, shall be capable of acting in the Execution of any of the Powers given in and by this Act, unless he shall be an Owner, in his own Right or in the Right of his Wife, and in the actual-Possession, Enjoyment, or Receipt of the Rents and Profits, or Part of the Rents and Profits of some Fall of Water, or unless he shall be an Occupier, or joint Occupier, of some Fall of Water rated and assessed, or liable to be rated and assessed under this Act (and the full Annual Value of which Fall, or of the Hereditaments occupied therewith of which it shall form a Part, shall be One hundred Pounds at least), and until he shall make and subscribe the Declaration following, which any Commissioner herein-before named is hereby empowered to administer; (that is to say,)

do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my 'Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign

'of Her Majesty Queen Victoria, intituled [here set forth the Title of this Act], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

Penalty for acting without being qualified, or before making the Declaration.

V. And be it further enacted, That in case any Person, except as aforesaid, shall act as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have made and subscribed such Declaration, every such Person shall forfeit and pay for every such Offence the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same, in any of Her Majesty's Courts of Record at Westminster, by Action of Debt or on the Case; and every Person so prosecuted shall prove that he is qualified as aforesaid, and that he has made and subscribed such Declaration, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, without being qualified as aforesaid, or before he shall have made and subscribed such Declaration, previous to his being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been duly qualified as aforesaid, and had made and subscribed such Declaration according to the Directions of this Act: Provided always nevertheless, that the said Penalty or Forfeiture shall not be imposed upon, or be paid by, or be recoverable from any Commissioner herein-before named, in respect of his acting as a Commissioner in giving Notice of the First Meeting of the said Commissioners, or administering the Declaration aforesaid.

Commissioners may hold Meetings for executing the Act.

VI. And be it further enacted, That for carrying the Purposes of this Act into execution it shall be lawful for the said Commissioners, and they or any Five or more of them are hereby empowered, to assemble and meet from Time to Time at such House or Place in the said Parish of Halifax as they shall think proper; and the said Commissioners shall, within Fourteen Days after the passing of this Act, or as soon thereafter as conveniently may be, hold their First Meeting, and proceed to put the Powers hereby given to them into execution; and all such Meetings shall be convened by public Advertisement in one of the Halifax Newspapers, or in some other Newspaper usually circulated in the West Riding of the County of York, or by Notice sent by the Post, or otherwise, to every Commissioner appointed in or by virtue of this Act, such Advertisement or Notice to be signed by any Three or more of the Commissioners, or by the Clerk of the said Commissioners, and to state the Time and Place of Meeting, and to be published or sent respectively Seven Days at least before the Time fixed for holding such Meeting; and all or any of such Meetings may be from Time to Time adjourned to and held at the same or any other Place within the said Parish of Halifax as the Commissioners making the Adjournment shall think proper; and Notices of such adjourned Meetings shall be published and sent in manner aforesaid:

said: Provided always, that Five Commissioners at the least shall be present in order to constitute a Meeting; and all Acts and Proceedings at any such Meetings, at which Five or more of the Commissioners shall be present, shall be as valid and effectual as if the whole of the Commissioners for executing this Act had concurred therein; and at all such Meetings a Chairman shall be appointed, and in case there shall be an equal Number of Votes on any Question at any such Meeting, including the Vote of the Chairman, such Chairman shall have and give the casting Vote.

VII. And be it further enacted, That it shall be lawful for the Commissaid Commissioners to nominate and appoint a Treasurer, Col-sioners to lector, and Clerk, and also such Engineers, Surveyors, or other appoint a Treasurer, Officers as they shall think proper and expedient, for the better car- Collector, rying the Purposes of this Act into execution, and to pay or give Clerk, Enthem such Salaries or Allowances as the said Commissioners may gineers, &c. from Time to Time think proper; the said Commissioners always taking good and sufficient Security, and to such Extent as they shall think requisite, from every Treasurer, Collector, or other Officer who shall be appointed to receive Money, or have the Care or Custody thereof, for the due accounting for all Monies with which he may be intrusted, and for the faithful Discharge of the Trust reposed in him; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, and to appoint another or others in his or their Stead, as the said Commissioners shall think fit.

VIII. Provided always, and be it further enacted, That it shall not Same Person be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, Clerk and Treasurer. or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as the Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such [Local.] 8 M Offence

not to be

Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at Westminster, by Action of Debt or on the Case, or by Bill, Suit, or Information.

Penalty on Officers being engaged in Contracts.

IX. And be it further enacted, That if any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer employed by the said Commissioners for the Purposes of this Act, shall be concerned or interested in any Bargain or Contract made or entered into for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of One hundred Pounds for every such Offence to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Suit, or Information in any of Her Majesty's Courts of Record at Westminster.

Proceedings to be entered in a Book and signed man, and shall be legal Evidence.

X. And be it further enacted, That the Orders and Proceedings of every Meeting of the Commissioners shall be entered in a Book, to be provided and kept for that Purpose, and shall be signed by the by the Chair- Person acting as Chairman at such Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Books of Accounts to be kept and be open to Inspection.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Books shall at all reasonable Times be open, without Fee or Reward, to the Inspection of every Person who shall for the Time being be a Commissioner under this Act, and of every other Occupier of any Fall on the said Stream, Rivulet, or Brook, who, under the Provisions herein-after contained, shall for the Time being be assessed or be liable to be assessed to the Rates herein-after authorized to be imposed, and of every Mortgagee of the said Rates; and every such Commissioner, Occupier, and Mortgagee shall or may take Copies of or Extracts from the said Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit any such Commissioner, Occupier, or Mortgagee, or shall not permit any such Commissioner, Occupier, or Mortgagee to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

Officers to account to Commis-

XII. And be it further enacted, That every Officer to be appointed under this Act shall, under his Hand, at such Time and Times, and

in such Manner as the said Commissioners shall direct, deliver to sioners the said Commissioners, or to such Persons as they shall appoint, true and pefect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain duefrom him to the said Commissioners, or to such Person as they shall appoint; and if any such Officer shall refuse or neglect to make and render any such Accounts, or to produce and deliver up the Vouchers in his Possession or Power relating to the same, or to make Payment as aforesaid, or otherwise satisfactorily to answer the said Commissioners, or shall refuse or neglect to deliver up to the said Commissioners, at any Meeting under the Provisions of this Act, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respectively for the same, then and in every such Case, upon Complaint made by the Proceedings said Commissioners, or by any Person whom they shall appoint 101 to be had that Purpose, of any Neglect or Refusal as aforesaid, to any of Justice in Her Majesty's Justices of the Peace for the County, Riding, or case of Place where such Officer shall have last resided or shall then reside, default. such Justice may and is hereby authorized and required to summon the Officer so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, (except from some reasonable Cause to be judged of and allowed by such Justice,) or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, which Oath or Affirmation such Justice is hereby empowered to administer, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, in his Possession or Power, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justice may commit such Offender to the Common Gaol or House of Correction for such County, Riding, or Place, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account as aforesaid, and shall have made such Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition, in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall

whenever required.

shall have delivered up such Papers, Books, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Officer who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Three Calendar Months: Provided also, that the Imprisonment of any Officer shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Sureties or Securities, but such Officer and his Sureties and Securities shall remain liable for the Payment thereof, in the same Manner as if such Officer had not been so imprisoned, nor shall any such Imprisonment preclude the Commissioners from bringing any Action, or filing a Bill in Equity, or taking any other Proceeding, whether legal or equitable, civil or criminal, against such Officer or his Sureties or Securities, in order to compel the furnishing of such Accounts as aforesaid, or by reason of the same not having been so furnished, or from bringing any Action of Trover or on the Case, or any other Action or Suit, or taking any other Proceeding, whether civil or criminal, either against such Officer or any other Person, for the Recovery of any such Voucher, Books, Papers, or Writing as aforesaid, or on account of the Detention or withholding thereof.

Recovery of Monies, Books, &c. from Ex-

XIII. And be it further enacted, That in case of the Death, Bankruptcy, or Insolvency of any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, before he shall have paid and satisfied the ecutors, &c. Money collected or raised by virtue of this Act, or before he shall have delivered up all Books, Accounts, Writings, and Papers whatsoever concerning his Office, or relating to the Execution of this Act, the Executors or Administrators of every such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, or the Assignees of his Estate and Effects, or other Persons possessing the same, or in whom the same has or have been vested, shall be liable to pay and satisfy the Money so collected or raised as aforesaid, out of such Estate and Effects, in the regular Course of Administration and Bankruptcy, and shall deliver up to the said Commissioners, or any Person appointed by them, all such Books, Accounts, Writings, and Papers.

Commissioners to render Accounts annually.

XIV. And be it further enacted, That once at least in every Year the said Commissioners shall and they are hereby required to make a just and true Statement and Account of all Sums of Money by them received and expended in the Execution of this Act; and shall, within Fourteen Days after such Annual Meeting, cause a printed Copy of such Account or Statement, after having been laid before such Annual Meeting, to be sent by the Post or otherwise to every Owner and to every Occupier who shall be rated for the Purposes of this Act, under the Provisions herein-after contained.

Time and Place of holding General Annual Meetings of Commissioners.

XV. And be it further enacted, That a General Meeting of the said Commissioners shall be held at some convenient Place in the said Parish of Halifax in the Month of August next after the passing of this Act; and an Annual General Meeting of the said Commissioners shall be held in the First Week in the Month of April in every subsequent Year, at such Place aforesaid, or at such Place or Time as shall be determined by a previous General Meeting; and every such Annual General Meeting shall be convened in manner herein-before provided for convening Meetings.

The state of the s XVI. And be it further enacted, That any special or extraordi- Mode of nary General Meeting of the said Commissioners may from Time to convening Time be called by any Five or more of the said Commissioners; and dinary Geevery such special or extraordinary General Meeting shall be neral Meetconvened by a Notice sent by the Post or otherwise to every such ings. Commissioner as aforesaid; and such Notice shall be signed by any Five or more of the said Commissioners, or by their Clerk, and shall state the Objects of such special or extraordinary General Meeting, and the Time and Place of Meeting, and shall be so sent Ten Days at least before the Time fixed for holding thereof, except for the holding any extraordinary General Meeting for immediate Repair of Works, or other such Cases of Emergency, when Two Days such Notice shall be deemed sufficient; and the calling of any such Meeting in Cases of Emergency on Two Days Notice shall be deemed sufficiently authorized by a Requisition to the Clerk of the said Commissioners, signed by Five or more of the said Commissioners as aforesaid.

XVII. And be it further enacted, That every such annual and Adjournspecial or extraordinary General Meeting may be adjourned from ment of an-Time to Time and from Place to Place as may be found expedient, nual or and all such Matters and Things as might have been transported an extraordiand all such Matters and Things as might have been transacted or nary General done at any such annual or special or extraordinary General Meetings Meeting may be transacted or done at such adjourned General Meeting.

XVIII. And be it further enacted, That no Commissioner shall No Person be entitled to attend or vote at any of the said Meetings unless he to vote if his shall have fully paid and satisfied the Rates, if any, which shall for Rate is in the Time being have been assessed upon him under or by virtue of arrear. this Act.

XIX. And be it further enacted, That at every Meeting of the said Regulations Commissioners, each Commissioner, being an Owner duly qualified as to voting. (and not being an Occupier), who shall attend at such Meeting, shall be entitled to give One Vote on any Proceeding or Question at any such Meeting; and each Commissioner, being an Occupier duly qualified, who shall attend at such Meeting, shall be entitled to give. a Vote or Votes on any Proceeding or Question at any such Meeting according to the Amount of the Assessment which he shall be rated at, or be liable to be rated at, and according to the Proportions following; that is to say, every Commissioner who shall occupy Property assessed or liable to be assessed by virtue of this Act in any Sum not exceeding Twenty-five Pounds, shall be entitled to have and give One Vote; or if he shall occupy Property so assessed or liable to be assessed in any Sum exceeding Twenty-five Pounds and not exceeding Fifty Pounds, Two Votes; or if he shall occupy Property so assessed or liable to be assessed in any Sum exceeding Fifty [Local.] Pounds:

Pounds and not exceeding Seventy-five Pounds, Three Votes; or if he shall occupy Property so assessed or liable to be assessed in any Sum exceeding Seventy-five Pounds, Four Votes; but no Commissioner shall be entitled to have or give more than Four Votes; and in all Cases where any such Commissioner shall be both Owner and Occupier, such Commissioner shall be entitled to vote as Occupier only, and shall not be entitled to any Vote as such Owner; and every Commissioner being a Body Politic or Corporate may attend and vote by its Clerk or other Officer usually acting on its Behalf; and every Election, and every other Matter or Thing which shall be proposed, discussed, or considered at any such annual, extraordinary, or adjourned General Meeting of Commissioners, shall be determined by the Majority of Votes then given: Provided always, that in Cases where any Part of the said Stream, Rivulet, or Brook, or Falls, shall be in the joint Occupation of Two or more Persons, whether as Partners, Joint Tenants, Tenants in Common, or Coparceners, or concurrent Occupiers, the several Persons comprised in each of such Partnerships, Joint Tenancies, Tenancies in Common, or Coparceneries, or concurrent Occupancies, shall be considered. as One Commissioner only in each of such several Cases.

Commissioners to have but one Vote until the first Rate is made.

XX. Provided always, and be it further enacted, That each of the said Commissioners at their First Meeting to be held for carrying this Act into execution, and also at any subsequent Meeting, until some Rate or Assessment shall have been made in pursuance of this Act, whereby the Amount of the Assessment which each Commissioner, being an Occupier, shall be rated at or be liable to pay can be ascertained, shall be entitled to give One Vote only on any Proceeding or Question at any such Meeting, any thing herein-before contained to the contrary notwithstanding.

Lunatics and Minors to vote by Committees and Guardians.

XXI. And be it further enacted, That in case any Commissioner entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot, or a Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such Minor shall and may vote by his Guardian or by any of his Guardians: Provided always, that every such Committee or Guardian may also vote in his own Right, if he have such Right, as well as in the Character of Committee of any Lunatic or Idiot, or of Guardian of any Minor, on the same Occasion.

Certain Persons may vote by Proxy.

XXII. Provided also, and be it further enacted, That it shall be lawful for such of the said Commissioners whose Mill or whose usual Place of Residence shall be at a greater Distance from Rishworth than Ten Miles to vote by Proxy, such Proxy to be one of the said Commissioners qualified to vote as a Commissioner in his own Right, and being appointed such Proxy by Writing under the Hand of the Commissioner for whom he shall act as such Proxy; and every Vote given by any such Proxy so appointed shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person, provided that the Appointment of any Proxy shall be produced at the Time of voting before such Vote shall be allowed.

XXIII. Pro-

XXIII. Provided always, and be it further enacted, That at every. A Chairman such annual, extraordinary, or adjourned General Meeting one of to be apthe Commissioners present and qualified to vote shall be appointed pointed at each Meet-Chairman; and such Chairman shall, in case of an equal Division on ing, and to any Question, have the decisive or casting Vote, in addition to any have a castother Vote or Votes which he may be otherwise entitled to give; and ing Vote. if at any Time Two or more Persons shall be proposed as Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office.

XXIV. And whereas a Map or Plan, describing the Situations of Plan and the intended Reservoirs, and the Lands upon or in which the same Book of are intended to be made, together with a Book of Reference, condeposited taining the Name of the Owner and Occupier of such Lands, have with the been deposited at the Office of the Clerk of the Peace for the said Clerk of the Riding; be it therefore enacted, That the said Map or Plan and Book Peace. of Reference, so deposited, shall remain in the Custody of the said Clerk of the Peace for the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Map or Flan and Book of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, shall be and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others in all Courts of Law or elsewhere.

XXV. And be it further enacted, That it shall be lawful for the said Reservoirs Commissioners, by themselves, or their Deputies, Agents, Officers, and Em-Workmen, and Servants, upon any Lands which shall be purchased under the Authority of this Act, and they are hereby authorized and empowered, to make, erect, construct, maintain, repair, have, use, and keep a Reservoir and an Embankment across the Stream or Fall of Water passing or flowing down Green Withens Clough in the Township of Rishworth aforesaid, and also make, erect, construct, maintain, repair, have, use, and keep a Reservoir and an Embankment across the Stream in Green Withens Clough aforesaid below the Site of the said first-mentioned Reservoir, at a Place called Castle Dean; and it shall also be lawful for the said Commissioners to make or cause to be made all proper Valves and Cloughs to draw the Water from and out of the said several and respective Reservoirs through or near to the said several and respective Embankments; and also upon such Land to make, form, erect, and construct, in, upon, or near the said several respective Reservoirs, such Cuts. Aqueducts, Feeders, Byewashes, Spillwaters, Weirs, Dams, Banks, Drains, Sluices, and other proper, necessary, or convenient Works as the said Commissioners shall think necessary, for providing and securing a regular and constant Supply of Water in the said Stream, and for allowing the Escape of the Water, and for the Protection, Security, Cleansing, Repair, and Maintenance of the said several and

bankments to be made.

and respective Reservoirs and other Works, or either of them; and also in and upon such Land to erect and build, in some convenient Situation or Situations near each of the said Reservoirs, and at all Times thereafter to keep in good Repair, a House and other necessary Buildings for the Habitation of a Person to be from Time to Time appointed by the said Commissioners to superintend each of the said several and respective Reservoirs and other Works, or any of them; and such Person so to be appointed shall always be resident near to the said Reservoirs and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the Committee of the said Commissioners to be appointed as herein-after mentioned) to superintend and regulate the Supply of Water from the said several and respective Reservoirs into the said Stream, Brook, or Rivulet called Ryburn Brook, and by means of the said several Reservoirs and other Works to keep up and maintain an uniform Supply of Water for the said Stream or Brook; and it shall also be lawful for the said Commissioners, during the making or repairing of the said several and respective Reservoirs, Embankments, and Works, to make any temporary Roads or Ways between any existing Road or Way and the said several and respective Reservoirs, with the previous Consent in Writing of the Owners and Occupiers of the Lands through which the same shall be made; and also, with the like Consent, to make and maintain all such other Roads or Ways in, through, over, or upon any Lands or Grounds near to or adjoining either of the said Reservoirs, as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have Access to the said several and respective Reservoirs, Embankments, and Works, or any of them, at all Times when necessary, with or without Cattle, Carts, or Carriages: Provided always, that no House or other Building to be erected as aforesaid shall be used or occupied or licensed as or for a Public House or Beer Shop, or for the Sale of Wine, Beer, or Spirituous Liquors of any Kind.

Deviation from the Situations in the Map not to exceed 100 Yards.

XXVI. And be it further enacted, That it shall not be lawful for the said Commissioners, in making the said Reservoirs, to deviate more than One hundred Yards from the Situation or Line marked on the said Map or Plan for the respective Sites of such several Reservoirs, nor to take and use any other Lands for making the said Reservoirs and Embankments than such as are described or mentioned in the said Map or Plan or Book of Reference, without the Consent and Approbation in Writing of the Persons or Corporations in or upon whose Lands such Deviation or Works shall be made.

Unintentional Errors
in Map or
Book of Reference not
to prevent
Execution
of the Act.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to make, erect, and construct the said Reservoirs, Embankments, and Works, or any of them, in the Situation and to the Extent of the Line marked out or traced in the said Map or Plan, when the Lands included in such Line shall have been purchased, or upon any Lands to be purchased by the said Commissioners, although such Lands, or any of them, or the Situation of them respectively, or the Names of the Owners or Occupiers

Occupiers thereof respectively, may happen to be erroneously described, or to be omitted or mis-stated, on the said Map or Plan, or in the said Book of Reference, if (in the Event of Dispute about the same) it shall appear to any Two or more Justices of the Peace for the said Riding, certified by Writing under their Hands, that such erroneous Description, Omission, or Mis-statement proceeded from Mistake or Inadvertence; and every Certificate of the said Justices shall be deposited and remain in the Custody of the Clerk of the Peace for the said Riding.

XXVIII. Provided always, and be it further enacted, That it shall Restriction not be lawful for the said Commissioners to make both the said Reservoirs until Two Years after the one Reservoir which shall be first making both commenced, shall have been completed, and then only if Three Reservoirs. Fourths in Number of the said Commissioners shall by Writing under their Hands agree thereto, any thing in this Act contained to the contrary notwithstanding.

as to the Time of

XXIX. And be it further enacted, That it shall be lawful for the Materials said Commissioners to take and use, for the Purpose of forming and making the said several and respective Embankments and Reser- works to voirs or other Works, for the Purposes of this Act, any Stone, be used for Gravel, Clay, Sand, or other Materials which shall be dug or raised out of and upon the Lands so purchased in excavating or making any such Reservoirs or Works; and also, with the Consent of the Lord of the Manor for the Time being, to take and use from any Common or Waste, or uninclosed Lands or Grounds, adjoining to any such Reservoirs, any Clay or Puddle, for the Purpose of puddling the said Embankments and Reservoirs, making reasonable Compensation for such Clay or Puddle, and for any Damage that may be done in raising or getting the same.

obtained in excavating Embankments, &c.

XXX. And be it further enacted, That it shall be lawful for the Power to said Commissioners (if they shall judge the same expedient or advisable) to make Feeders or Channels, with such Catchwater Drains and other Works as shall be proper for collecting and conducting into the said several Reservoirs the surplus Waters of any Brooks or Springs near thereto, and of the tributary Streams and Rivulets of any such Brooks or Springs over and above what shall Consent of be sufficient for the Supply of the Lands or Works through or near to which the same Brooks respectively flow: Provided always, that piers of the surplus Waters of such Brooks or Springs, or of such tributary Streams and Rivulets as aforesaid, shall not be turned, diverted, or taken without the previous Consent in Writing of the several Owners and Occupiers of the Lands and Works affected thereby.

divert the surplus Water of Brooks adjoining the Reservoirs, with the the Owners and Occuadjoining

XXXI. And be it further enacted, That in all Cases where any New Roads existing Road or Way leading over or along any Part of the intended Site or Sites of any such Reservoirs or Embankments shall be found necessary to be occupied or used as Part or Parts of such Site or Sites, or shall be rendered impassable or inconvenient to be used as the Purposes heretofore, by or by reason of the Execution of the Purposes of this of this Act. Act, whether the same be public or private Carriageway or Bridle [Local.] Road

in lieu of any Roads occupied for

Road or Footway, or Road or Way for Cattle, or Occupation Road, or other Road or Way, the said Commissioners shall and they are hereby required, in and upon any Land to be purchased by them according to the Provisions of this Act, before they shall commence the Execution of any Work whereby the same or the Passage along the same can be impeded or interrupted, to make in lieu of such Carriageway, Bridle Road, Footway, Occupation Road, or other Road or Way, or of so much thereof respectively as shall or may be so impeded or interrupted, or to cause to be formed and made another or new Road or Way, and to complete the same in such Manner as that the same shall be equally advantageous for the convenient Use and Passage of any Person entitled to use such Way or Road, either on Foot or with Cattle or Carriages, or for the Convenience of the Public, as the present Road or Way now is; and thereupon such existing Road or Way, whether public or private, shall be stopped up and discontinued: Provided always, that in all Cases where any such Road or Way so to be diverted or stopped up, and in lieu whereof a new Road or Way shall be so made, shall heretofore have been usually kept in repair or ought to have been kept in repair by the Owner or Owners of any Lands ratione tenuræ, or by any Person or Persons liable to the Maintenance and Repair thereof by Prescription or otherwise, such new, substituted, or altered Road or Way shall after the making thereof be thenceforth maintained and kept in repair by such Owners or Persons respectively in the same Manner and to the same Extent, and no more, as the Road or Way for which such new Road or Way shall have been substituted: Provided always, that nothing in this Act contained shall extend to subject any Persons or Parties now liable to any such Repairs ratione tenuræ to any greater or further Liabilities or Obligations or Expences than such Persons or Parties now are subject to in respect of any such existing Road or Way, or to which they would have been liable in respect thereof if the existing Road or Way had been continued; and the Land over which such old Road or Way was made shall from thenceforth, on such Compensation or Satisfaction being made by the said Commissioners to the Owners of and Persons interested in such Lands as may be agreed on between them respectively and the said Commissioners, be to all Intents and Purposes the absolute Property of and vested in the said Commissioners; and in case any such Road or Way shall be rendered impassable, or the accustomed Use thereof be prejudiced by the making of any Works by the said Commissioners before a new or other Road or Way shall be made or substituted in lieu thereof as aforesaid, then the said Commissioners shall forfeit and pay, for each and every Day during which such new or substituted Road shall be neglected to be made, the Sum of Twenty Pounds, to be recoverable in like Manner as any Money payable by the said Commissioners for Damage done under this Act may or can be recovered.

Persons who aggrieved if any such

XXXII. Provided also, and be it further enacted, That it shall be may think lawful for any Person who may think that he would be injured or themselves aggrieved if any such public or private Way as aforesaid should be permanently discontinued, stopped up, diverted, or altered, as the Road should Case may be, within Four Months after the same shall have been so discontinued,

discontinued, stopped up, diverted, or altered, to make his Complaint be ordered thereof by Appeal to the Justices of the Peace in Quarter Sessions assembled for the West Riding of the County of York, upon giving to the said Commissioners or their Clerk Ten Days Notice in Writ- may appeal. ing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

to be stopped up or diverted

XXXIII. And be it further enacted, That for effecting the several Power to Purposes and Provisions of this Act it shall be lawful for the Com- contract for missioners for executing this Act, or any Five or more of them, the Purchase and they are hereby companied to treat contract and correct for for them. and they are hereby empowered to treat, contract, and agree for the absolute Purchase or Enfranchisement of any Lands, of what Tenure or Quality soever the same may be, with or from any Corporation, Tenant for Life or in Tail, or with or from any Person having any other partial or qualified Estate or Interest, Husband, Guardian, Trustee or Feoffee in Trust for charitable or other Purposes, Committee, Executor, or Administrator, or any other Trustee or Person whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Persons entitled in Reversion, Remainder, or Expectancy after them, is incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, or with any Feme Covert who is or shall be seised, possessed of, or interested in her own Right, or entitled to Dower or other Interest therein, and with or from any other Person whomsoever, and upon full Payment of the Purchase Money agreed upon for any such Lands, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of England in manner by this Act directed (as the Case may be), such Lands may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whosoever, in respect of whose Interests such Payment shall have been made, shall be divested of all Right and Title, Claims or Reversion to such Lands, and the same Lands shall vests in "The Commissioners of the Rishworth Reservoirs;" and it shall be lawful for the said Commissioners to hold any such Lands, and any Term, Right, and Interest therein, so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever: Provided always, that the Quantity of Land to be purchased and held by the said Commissioners under the Powers or Provisions of this Act shall not exceed Fifty Acres for each of the said Reservoirs.

XXXIV. And be it further enacted, That the said Commissioners Watering shall and they are hereby required, from Time to Time, at their own places for Expence, to make proper watering Places for Cattle, in all Cases where by means of the said Reservoirs and Works connected therewith respectively, or any of them, the Cattle of any Person occupying Land adjacent thereto shall be deprived of as easy Access as before

made.

to their ancient watering Places, and to supply the same at all Times, with Water from such Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if such Reservoirs and Works, or any of them, had not been made, or from the said Reservoirs, or from any other Source or Feeder which can readily and lawfully be obtained for that Purpose; and it shall be lawful for the said Commissioners and they are hereby required from Time to Time to make such and so many Watercourses and Drains in, through, over, and across any Lands adjoining to such Reservoirs and Works, or any of them, of such Dimensions and in such Manner as any One or more Justices of the Peace for the West Riding of the County of York shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of conveying Water from such Brooks, Springs, and Reservoirs, or other Sources or Feeders, to the said watering Places respectively; and all such Watercourses and Drains shall from Time to Time be supported, maintained, cleansed, and kept in good Repair by the said Commissioners; and if at any Time after Fourteen Days Notice in Writing shall have been given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Reservoirs and Works, or any of them, that the said Drains and Watercourses, or any of them, are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the West Riding of the County of York, from Time to Time, as often as there shall be Occasion, and the said Justices are hereby respectively empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Persons to make or cleanse and repair such Watercourses and Drains accordingly; and the reasonable Expences thereof, to be ascertained by such Justices, shall be defrayed by the said Commissioners; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon any Two of the said Commissioners, such Expences may be recovered in the same Manner as any other Monies, Costs, and Charges may by virtue of this Act be recovered from the said Commissioners.

Commissioners not to claim Mines, &c. under Land purchased.

XXXV. And be it further enacted, That nothing in this Act contained shall extend to give to the said Commissioners any Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals under any Lands purchased by the said Commissioners under the Provisions of this Act, except only so much of such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals, where the same shall be the Property of the Owner of the Land so purchased, as may be necessary to be dug or carried away or used for the Purposes of this Act (unless the said Mines shall have been expressly purchased and conveyed by the Owner thereof to the said Commissioners), but all such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals, not necessary to be so dug, carried away, or used as aforesaid, shall (unless the contrary be expressed) be deemed to be excepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-after contained for the Purchase'

missioners of

and Com-

2° VICTORIÆ, Cap. xxxv.

chase thereof by the said Commissioners, be won and worked by the respective Owners or Lessees thereof under the said Lands, or the Reservoirs or other Works of the said Commissioners, as if this Act had not been passed; provided that in the working of such Mines or Minerals no Damage be done to the said Reservoirs or Works, and that the said Mines and Minerals be not worked in an unusual Manner.

XXXVI. Provided always, and be it further enacted, That when Owners of and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Mines to Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals give Notice to the Comlying under the said Reservoirs and Work's, or any of them, or within the Distance of Fifty Yards from such Reservoirs or Works re-their Intenspectively, shall be desirous of working the same, then and in every tion to work such Case such Proprietor, Lessee, or Tenant shall give Notice in the same, Writing to the said Commissioners under his Hand of such Intention missioners at least Twenty-one Days before he shall begin to work such Mines; to have Liand upon the Receipt of such Notice it shall be lawful for the said berty to pur-Commissioners to inspect such Mines, or cause the same to be in-chase. spected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, at such Price as shall be mutually agreed upon: Provided nevertheless, that in case the said Commissioners do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat and agree with such Proprietor, Lessee, or Tenant for the same, or in case, without any Default of such Proprietor, Lessee, or Tenant, the Purchase Money for the same shall not be paid within Three Calendar Months after the giving such Notice, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines and he is hereby authorized to work and get such Part of the said Mines as lie under the said Reservoirs and Works, or within the Distance aforesaid, but so as not to cause any Damage to be done to the said Reservoirs or Works, or to cause the Water to flow or escape thereout.

XXXVII. Provided always, and be it further enacted, That the said Commis-Commissioners shall from Time to Time pay or cause to be paid to the sioners to Proprietor, Lessee, or Tenant of all Mines of Coal, Ironstone, and pensation other Minerals all such Costs, Charges, Losses, and extraordinary for Injury Expences as shall fall upon such Proprietor, Lessee, or Tenant by done to reason of the same being worked, in such Manner and under such Restrictions as not to prejudice or injure the said Reservoir, or any Works or Conveniences connected therewith, and for any Minerals not purchased by the said Commissioners which cannot be obtained by reason of making and maintaining the said Reservoirs and Works; and if any Dispute or Question shall arise between the said Commissioners, and such Proprietor, Lessee, or Tenant as aforesaid, touching the Amount of such Costs, Charges, Losses, or extraordinary Expences, the same shall be settled and determined by Two indifferent Persons skilful in the working of Mines and Minerals, the one to be chosen by the said Commissioners, and the other by [Local.] such

such Proprietor, Lessee, or Tenant, and in case of Disagreement of such Referees so chosen as aforesaid an Umpire so skilful as aforesaid, to be appointed by them before they proceed in such Reference, whose Decision shall be final and conclusive.

Commissioners not to be entitled to any Allotments in case of Inclosure in respect of any Lands to be purchased by virtue of this Act.

XXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Commissioners or entitle them to any Allotment or Allotments in respect of the Lands to be purchased or taken by them by virtue of the Provisions of this Act, or any of them, on any Inclosure or Inclosures being made of any of the Moors or Waste Lands within the Township of Rishworth aforesaid, but all such Allotment or Allotments which would have been made in respect of such Lands in case this Act had not been passed, or such Lands had not been purchased, shall belong to and be vested in all and every the Person and Persons respectively, his, her, and their respective Heirs and Assigns, who shall be the Owner or Owners respectively of such Lands at the Time of such Purchase by the said Commissioners under the Provisions of this Act, for such respective Estate or Interest as such Person or Persons respectively, his, her, or their respective Heirs and Assigns, shall or may then have therein respectively.

Commissioners to fence off Reservoirs.

XXXIX. And be it further enacted, That the said Commissioners shall at their own Expence, forthwith, or from Time to Time, separate the same Reservoirs, and keep the same constantly separated, from the Lands adjoining to such Reservoirs, by good and sufficient Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences, in case the Owners of such Lands adjoining the said Reservoirs or any of them respectively shall at any Time desire the same to be fenced off; and shall also forthwith, after any of the Lands adjoining to such Reservoirs and Works shall be inclosed, make, and from Time to Time maintain, good and sufficient Fences or other Protections by the Side of or over any Drains, Sluices, or Watercourses communicating to or with the said Reservoirs or any of them, to protect the Cattle or other Property of the Owners or Occupiers of the adjoining Land from Damage or Injury by reason of such Drains or Watercourses, in case the Occupiers of such Lands or any of them shall request such last-mentioned Fences or other Protections to be made; and all such Posts, Rails, Hedges, Ditches, Mounds, Fences, or other Protections shall from Time to Time and at all Times thereafter be maintained in good and sufficient Repair by the said Commissioners; and for the Purpose of enabling the said Commissioners to make and erect such Posts, Rails, Hedges, Ditches, Mounds, Fences, or other Protections, and from Time to Time to maintain the same, the said Commissioners, their Deputies, Contractors, Agents, Servants, and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Reservoirs, Drains, or Watercourses, and to lead and carry the Materials for making and repairing such Posts, Rails, Hedges, Ditches, Mounds, Fences, or other Protections, in Carts and other Carriages, across or along such Lands, in such Manner to do as little Damage as may be to the same, and making reasonable Satisfaction.

faction and Compensation to the Owner or Occupier of such Lands for every Damage that may be done thereby: Provided always, that in case the said Commissioners shall, for the Space of Three Months after Notice in Writing from the Owners or Occupiers of such adjoining Lands, refuse or neglect to make, erect, and maintain such good and sufficient Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences as herein-before directed, or any of them, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall be aggrieved by such Neglect or Refusal to make and erect, or, as the Case may require, repair and maintain, such Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences; and all the reasonable Costs and Charges thereof, to be settled and allowed by any Two Justices of the Peace acting within their Jurisdiction, in case there shall be any Dispute about the same, shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired, or maintained such Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences as aforesaid, by the said Commissioners, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing thereof shall have been delivered to and made upon the said Commissioners; and in default of Payment of the said Costs and Charges within the Time aforesaid any Two such Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Commissioners, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Commissioners the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, such Costs and Charges to be settled by any Two such Justices; and the said Owners or Occupiers, upon Refusal or Neglect by the said Commissioners to pay the said Costs and Charges, shall and may also have a Remedy against them for the Recovery thereof by Action at Law in any of Her Majesty's Courts of Record at Westminster.

XL. And be it further enacted, That it shall be lawful for the Incapaci-Lord of the Manor of Rishworth for the Time being, and for all Corporations, Tenants for Life or other limited Interest, Husbands, other Per-Guardians, Trustees, Feoffees, Committees, Executors, Admini- powered to strators, and all other such Persons as the said Commissioners are sell to the authorized to treat, contract, and agree with by virtue of this Act, to treat, contract, and agree with the said Commissioners, or any Five or more of them, for the absolute Sale to "The Commissioners of the Rishworth Reservoirs" of any Lands for a Sum in gross, and to sell, convey, surrender, or assign the same, and every Part thereof, unto the said Commissioners, and to give such Consent as is herein mentioned to the Diversion by the said Commissioners of the surplus Waters of any Streams or Brooks, and of the tributary Streams Streams. and Rivulets of any such Brooks, and to the making and stopping up respectively of such Roads and Ways as are herein-before mentioned, and any other Consent by this Act required, as to such Corporations and Persons as aforesaid shall respectively seem meet; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and shall

tated and sons em-

and to consent to Diversion of

be made according to the following Form, or as near thereto as the Circumstances of the Cases will admit; (namely,)

- Form of conveyance. I of in consideration of the Sum to me paid by "The Commissioners of the ' Rishworth Reservoirs," do hereby, in pursuance and by virtue of ' the Power in that Behalf contained in an Act passed in the
 - 'Year of the Reign of Her Majesty Queen Victoria, intituled [here 'insert the Title of this Act], grant, release, assign, and confirm 'unto the said Commissioners all [here insert the proper Description ' of the Lands intended to be conveyed], and all my Estate and 'Interest therein, to hold unto and to the Use of the said Com-
 - 'missioners and their Successors for ever for for such Term of 'Years as may be agreed upon, according to the true Intent and
 - 'Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of
 - 'Year of our Lord

Conveyances to operate to merge Terms and bar Estates Tail.

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, and Interests whatsoever.

Waste Lands to be con-Lords of Manors.

XLI. And be it further enacted, That in all Cases wherein, in the Execution of the Powers of this Act, there shall be Occasion to take veyed by the or use any Common or Waste Land, or any other Lands which shall be charged with or be subject or liable to the Exercise of any Right or Privilege of Common thereupon, of what Nature or Kind soever, the Conveyance of such Common or Waste Land or other Lands by the Lord of the Manor, or by any Corporation or other Person having such Estate or Interest in the Manor wherein such Common or Waste shall be situate, as the Corporation and Persons who are by this Act enabled to sell other Lands have in such Lands (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands), shall be a good and sufficient Conveyance to the said Commissioners for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land or other Lands, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land or other Lands were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance.

Application of Purchase Money payable to incapacitated Persons, when exceeding 20()l.

XLII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person under any Disability or Incapacity, as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account ex parte the "Commissioners of the Rishworth

worth Reservoirs," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled An Act for the better securing Monies 1 G. 4. c. 35. and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses. Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, upon, and for such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Party who would for the Time being have been entitled to the Rents and Profits of the said Lands so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLIII. And be it further enacted, That if any Money so agreed Application to be paid for any Lands purchased, taken, or used for the thereof Purposes aforesaid, or for the Enfranchisement of any such Lands when under being of Copyhold or Customary Tenure, or for any Compensation or above 201. Satisfaction as aforesaid in respect of any Lands belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of their respective Husbands, Guardians, Committees, or Trustees, in case of Coverture, Infancy, or other Incapacity, to be signified in Writing under their Common Seal or their respective Hands (as the Case may be), be paid into the Bank of England in the Name and with the Privity of the said Accountant General of the Court of [Local.] Exchequer,

Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the respective Parties making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 201.

XLIV. And be it further enacted, That where such Money so agreed to be paid as last before mentioned, shall be less than Twenty Pounds, the same shall be applied to the Use of the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Coverture, Infancy, Lunacy, or other Incapacity, then to their Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of such Parties so entitled respectively.

Expences of Titles to be paid by the Commissioners.

XLV. And be it further enacted, That all Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the Commissioners may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title and to the Title and Conveyance of any outstanding Terms or Estates which the said Commissioners may require to be called in or conveyed, and to the laying out and reinvesting of the Purchase Money where the same shall be required or directed to be laid out and invested in the Purchase of other Lands, to be settled to the same or the like Uses as the Land to be sold, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, and shall deposit for the Purpose of paying the same, in such Manner as herein-before mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Commissioners shall not be prevented from entering into possession of the Lands so purchased, by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill

ascertained.

of their said Costs, Charges, and Expences to the said Commissioners.

XLVI. And be it further enacted, That if the said Commissioners How such and the Party aforesaid cannot agree as to the Amount of such Costs to be Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition, to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Commissioners to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Commissioners shall not be at liberty to enter into possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Commissioners shall have deposited the Sum claimed in respect of the same in the Bank of England, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there ex parte "The Commissioners of the Rishworth Re-"servoirs," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King George the Fourth; which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences, as ascertained and allowed by the said Court: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Commissioners, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Commissioners out of the said Sum so deposited by them as aforesaid.

XLVII. And be it further enacted, That when any Question shall In Cases of arise touching the Title of any Party to any Money to be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase or Enfranchisement of or in satisfaction for, or for any Damage to be done to any Lands, or of, for, or to any Estate, Right, Title, or Interest in any Lands to be purchased in Person last pursuance of this Act, or to any Bank Annuities to be purchased in posseswith any such Money, or to the Dividends or Interest of any such sion. Bank Annuities, the Party who shall have been in possession of such Lands at the Time of such Purchase by the said Commissioners, and all Corporations and Parties claiming under such Party, or under the Possession of such Party, shall be deemed and taken to have been lawfully

doubtful Title, Dividends of Money paid into the Bank to be paid to the

lawfully entitled to such Lands according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, or to some Estate or Interest therein.

The Court may order reasonable Expenses of Purchases and of Investments, to be paid by the Commissioners.

XLVIII. Provided also, and be it further enacted, That, where by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of England, or shall be paid or payable to any Corporation or Person who may or shall be required or liable to reinvest the same in the Purchase of other Lands, to be settled to the same or the like Uses as the Lands so to be taken or used for the Purposes of this Act, it shall be lawfulfor the said Court to order the Costs, Charges, and Expences attending the Purchase or the taking or using of such Lands, or which may be incurred in consequence thereof, and of the Reinvestment of the Purchase or Compensation Money in other Land, or so much of such several Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation between Claimants or otherwise, and of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof out of Court, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct; and also that where in any other Cases the Purchase Money for any Lands to be taken or used under the Authority of this Act, or any Monies payable for any Satisfaction, Recompence, or Compensation under this Act shall, by reason of or under any of the Provisions of this Act, be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, it shall likewise be lawful for the said Court to order the reasonable Expences of any Party in procuring the same to be paid out of Court, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be in like Manner paid by the said Commissioners out of the Monies to be received by virtue of this Act, and the said Commissioners accordingly shall from Time to Time pay such Sums of Money and in such Manner and for such Purposes as the Court shall direct.

Commissioners emXLIX. And be it further enacted, That it shall be lawful for the said Commissioners, by Deed or Deeds under the Hands and Seals of

any.

any Two or more of them, to make all such Contracts, Grants, Con- powered to veyances, and Assurances as may be required for better carrying into effect the several Powers, Authorities, and Purposes of this Act; and all such Contracts, Grants, Conveyances, and Assurances shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by any such Sale or Sales, or as shall be reserved or made payable by way of Rent or otherwise, in or by any such Contract, Conveyance, or Assurance, it shall be lawful for the Treasurer of the said Commissioners for the Time being to sign and give Receipts for the Money which shall be so paid; and no Purchaser, Tenant, Lessee, or Assignee shall be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Money, or any Part thereof.

L. And be it further enacted, That all Contracts into which the Contracts said Commissioners may enter for the Purpose of any Work au- for Works. thorized to be done by this Act shall (if in Writing) be signed by Two or more of the said Commissioners; and in case the said Contract shall not be well and sufficiently performed, according to the Terms, Intent, and Meaning thereof, or in case the Work so contracted for shall not be finished or completed in the Time and Manner specified in such Contract, then the said Commissioners may cause an Action or Actions to be brought in any of Her Majesty's Courts of Law at Westminster, against any such Contractor, for any Penalty contained in his Contract; and in proof of such Contractor having signed the said Contract, and of the Nonperformance thereof at the Time for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contracts, which, when recovered, shall be applied to the general Benefit of the said Indertaking.

LI. And whereas it would increase the Advantages to be derived Additional from the making of the said Reservoirs if the said Commissioners Reservoirs were empowered to make another Reservoir or other Reservoirs within the same Township of Rishworth upon the Commons or Consent. Waste Lands there; be it therefore enacted, That it shall be lawful for the said Commissioners, in case they shall so determine at any annual or extraordinary General Meeting, to construct and make, upon any Land which shall be purchased by them with Consent of Parties belonging thereto, in addition to the Lands hereby authorized to be purchased for the Construction of the first-mentioned Reservoir, or upon any Common or Waste Land within the said Township of Rishworth, with the previous Consent in Writing of the Lord or Lords of the Manor in which such Common or Waste Land shall be situate, and which Land the said Commissioners are hereby authorized to purchase, and all Persons and Corporations are hereby authorized to sell, not exceeding Fifty Acres, such additional Reservoir or Reservoirs, with the same Powers for supplying the same new Reservoir or Reservoirs with Water, and for making all necessary Works connected therewith, and doing all such Matters and Things as shall be necessary for making, maintaining, and using the same, as are by this Act given or provided for with regard to the [Local.] making,

may be made, with

making, maintaining, and using the Reservoirs herein-before mentioned, and subject also to similar Restrictions; and for the special Purpose of making such additional Reservoir or Reservoirs the said Commissioners are hereby authorized and empowered to borrow and take up at Interest upon the Credit of the Rates to be raised by virtue of this Act any Sum not exceeding Five thousand Pounds, in addition to the Sum of Fifteen thousand Pounds herein after authorized to be raised for the general Purposes of this Act.

Commissioners to levy Rates.

LII. And in order to raise Money for making and maintaining the several Reservoirs and Embankments by this Act authorized to be made, and for carrying the several Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to make, assess, and levy such Rates or Assessments as are herein-after mentioned, to commence at such Time or Times, and to be payable at such yearly or half-yearly Periods, as the said Commissioners shall think proper, upon all Occupiers of Mills, Factories, or other Premises now erected or hereafter to be erected, deriving any Benefit or Advantage from the Waters flowing along or near the Line or Course of the said Brook or Stream called Ryburn Brook, who shall hold, occupy, or employ any Fall of Water, now taken up or hereafter to be taken up, giving Motion to any Wheel, Engine, or other Machinery, or affording any Benefit or Advantage to such Mills, Factories, or other Premises situate between the Site of the several Reservoirs and Embankments hereby authorized to be made respectively and the Point of Junction of the Ryburn Brook with the River Calder at Sowerby Bridge aforesaid; and the said Rates shall be imposed upon all such Occupiers as aforesaid in proportion to the Measurement or Depth of Fall of Water occupied by them respectively, for the Purposes of giving Motion to any Wheel, Machine, or Engine, and such Measurement in Cases where there shall be any fractional Part of an Inch shall notwithstanding be reckoned as an entire Inch.

Rates to be in proportion to the Extent of Fall occupied.

Provision for

concurrent

Falls.

LIII. Provided always, and be it further enacted, That where any Two or more Persons shall be concurrent Occupiers for any such Occupiers of Purpose as aforesaid of any Part of the said Stream or River, or the Fall thereof, or the Water derived therefrom, the Proportion in which such Persons shall be liable to be assessed to the Rates hereby authorized to be imposed shall (in case of any Difference of Opinion upon the Subject) be determined by such competent and indifferent Engineer as the Commissioners under this Act shall appoint to value the same, whose Charge for making such Valuation shall be paid and defrayed by such concurrent Occupiers in equal Proportions, the same as if he had been retained or engaged by themselves in making such Valuation: Provided always, that the Rate or Assessment to be made in pursuance of the Determination of such Engineer upon such concurrent Occupiers shall be subject to Appeal as herein-after mentioned: Provided also, that in the meantime, and until such Proportion shall be either agreed upon by the Parties or determined in manner aforesaid, and shall have been actually notified in Writing to the said Commissioners, the

said

said Commissioners shall be at liberty to assess the whole of the Rate in respect of the Part of the Stream or River, or the Fall thereof, or the Water derived therefrom, so concurrently occupied, upon any of the Persons so occupying the same, or upon all of them in such Proportions as the said Commissioners shall judge proper.

LIV. And whereas there are Falls on the said Stream or Brook Falls unoccalled Ryburn Brook which being now wholly unoccupied will cupied when not be assessed by the said Commissioners by virtue of this Act, Assessment imposed to and there are or hereafter may be other Falls which, from being be afteronly partially occupied, will not be assessed to the full Extent, but wards asit is just and reasonable, if such Falls are subsequently occupied, sessed. or occupied to a greater Extent, that the same should be also assessed for the Expences of making and maintaining the Works constructed by virtue of this Act, in fair and equitable Proportions to the Benefit to be derived therefrom; be it therefore enacted, That it shall be lawful for the said Commissioners in every such Case to proceed from Time to Time in ascertaining such Benefit and imposing such Assessment in the same Manner as they are herein-before directed to proceed in ascertaining the Benefit to be derived by the Owners and Occupiers of the Falls now occupied, and assessing them accordingly, or as near thereto as Circumstances will permit.

LV. Provided always, and be it further enacted, That no Rate to The Rate be levied or assessed as aforesaid shall exceed in any One Year assessed in the Sum of Thirty-five Shillings for every Foot of Fall hereby made any one Year not to liable to be rated (and so in proportion for any greater or less exceed 35s. Quantity than a Foot, so long as One Reservoir only is formed and per Foot. completed); and that no such Rate shall exceed in any One Year the Sum of Fifty-five Shillings per Foot after the second Reservoir shall have been made and completed.

any one

LVI. Provided also, and be it further enacted, That it shall not be In what Prolawful for the said Commissioners, during the Time that the Works portion hereby authorized to be made shall be in progress and incomplete, Rates to be levied. or until the whole Amount of the Sum of Fifteen thousand Pounds authorized to be raised for the Purposes of this Act shall have been fully raised and paid, to levy or raise any greater Part or Proportion of the several Rates hereby granted than the Amount of the Monies actually paid into the Hands of the said Commissioners, or received by them for the Purposes of this Act, at the Time of making, assessing, or levying such Rates respectively, shall bear to the said Sum of Fifteen thousand Pounds, any thing herein-before contained to the contrary notwithstanding.

LVII. Provided also nevertheless, and be it further enacted, That if, Provision in from any Deficiency in the Receipt or Collection of the Rates, or from any other Cause, the Monies raised by any Rate made or Collection assessed according to the Proportion last aforesaid shall in any of the Rates, Year be found insufficient to pay the Amount of Interest or Arrears &c. of Interest due for any Monies advanced or borrowed for the Pur-

Cases of Deficiency in

poses

poses of this Act, or the Monies necessarily expended in the Employment of Inspectors, Surveyors, or other Officers for the due Execution of the Act, or in the keeping up, maintaining, or repairing of the said Reservoirs, Embankments, and other Works by the said Act authorized to be made, repaired, and maintained, or in the prosecuting or defending any Indictment or any Suit at Law or in Equity, or other Proceedings, or any other incidental Expences, then and in such Case it shall be lawful for the said Commissioners, in making or assessing the Rate or Assessment for any subsequent. Year, to raise by such Rate a sufficient Sum of Money for discharging such Deficiencies in addition to the proportionate Money aforesaid.

If Mills or Falls are occupied for any Part of a Year, to be assessed for the whole eurrent Year.

LVIII. Provided also, and be it further enacted, That in case the Occupier or Occupiers of any Mills, Factories, or other Premises, or Falls, situate upon or near any Part of the said Stream, Rivulet, or Brook, or River, or any Premises deriving Benefit or Advantage from the Waters of the same respectively, shall during any Part of the Year be so employed or applied as to become liable to be assessed to the Rates hereby authorized to be imposed, then and in every such Case the Occupier or Occupiers of the same shall be and are hereby made liable to be assessed as aforesaid during the whole of the then current Year, such Year to be deemed to commence for such Purpose on the First Day of August in any one Year, and to end on the last Day of July in the next succeeding Year, it not being intended that any Allowance should be made for the preceding or subsequent Fraction of a Year during which the same shall not be so employed or applied as aforesaid.

Occupiers removing or coming in to pay a Portion of the Rate.

LIX. And be it further enacted, That in all Cases where any Person shall remove from or quit any Premises which shall be rated by virtue of this Act, such Person shall be liable to pay such Rate in proportion to the Time for which he occupied the same, in like Manner as if he had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such Premises as aforesaid out of or from which any other Person rated as aforesaid shall have removed, or which at the Time of making any such Rate were unoccupied, or were not rated under the Authority of this Act, he shall, for and in respect of his Occupation thereof, be liable only to such Rate in proportion to the Time that he shall occupy the same in the same Manner as if he had been originally rated for such Premises, which said respective Proportions in case of Dispute shall be determined by the said Commissioners.

For providing a Redemption Fund for the gradual Payment of the original

LX. And whereas it is desirable and expedient that a Sinking Fund should be created for the Purpose of discharging, by gradual and small Annual Payments, the original Sum to be expended in making and forming each of the said Reservoirs, and the original Costs and Outlay attending the said Works; be it further enacted, That at the first Annual Meeting of the said Commissioners after the said Works Cost of the connected with both or either of the Reservoirs shall have been Works, &c. completed, a true and just Statement of the actual Outlay shall be made and verified by the Treasurer and Clerk of the said Commissioners,

missioners, and a Minute of the Amount thereof shall be entered in the Book of Proceedings of the said Commissioners at such Meeting; and that it shall and may be lawful for the said Commissioners from Time to Time, and they are hereby authorized and required, from and out the Monies to be raised by the Rate herein-before authorized to be levied, to deduct and take One Hundredth Part of the Amount of such original Outlay so certified as aforesaid yearly and every Year until the full Amount of such original Outlay shall be liquidated, and such last-mentioned Money shall be called the Redemption Money; and that a separate Account shall be kept of the said Redemption Money, and the same shall from Time to Time be applied in liquidation of the original Outlay of the Works hereby authorized to be made, or of any Money borrowed or advanced for that Purpose, or remaining due upon Security of the Rates hereby authorized to be assessed and levied: Provided also, that whenever any Fall at present unoccupied upon the said Brook shall be taken up and appropriated, the Proportion which such Fall would have been liable to pay towards the said Redemption Money had it been occupied on the passing of this Act shall be charged to the Occupier of such Fall, and be by him paid accordingly to the said Commissioners, to the Account of the said Redemption Money: Provided also, that any Interest to arise from the said Redemption Money previously to its being applied in liquidation of such original Outlay shall be paid over to the general Fund arising under this Act, and be applicable for the general Purposes of the Act, and not be applied to the Purpose for which the said Redemption Money is declared to be provided.

LXI. And whereas the Quantity of Water usually flowing into the Asto Thorpe said River Ryburn in dry Seasons is more than sufficient for supplying the Two Waterwheels with the Fall at present occupied now Messrs. in use at Thorpe Mill, the Property of John and Walker Priestley; Priestley. be it therefore enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to impose any Rate, Charge, or Assessment for the Purposes of this Act, for, upon, and in respect of the Fall of the said Thorpe Mill, or any other Mill or Mills that may at any Time hereafter be built or erected in lieu thereof, so that the Fall at present occupied be not increased, and so that the Breadth of the said Water Wheel or Wheels shall not exceed, either singly or together, Nine Feet in Breadth: Provided nevertheless, that in case the said John and Walker Priestley, their Heirs or Assigns, should at any Time hereafter increase the Powers of the said Waterwheels at the said Thorpe Mill, or any other Mill or Mills that may be erected in lieu thereof, by increasing their Breadth singly or together above the Breadth of Nine Feet, or by increasing the Speed of the said Wheels or either of them, so as to require the Use of Water to be supplied by the said Reservoir or Reservoirs in dry Seasons, then and in such Case their said Proportion of the Rates, Charges, and Assessments authorized by this Act shall be imposed upon the said Thorpe Mill or such other Mill or Mills that may hereafter be erected in lieu thereof, as well as their Proportion towards the said Sinking Fund, such Proportion [Local.]

Mill, belonging to to the said Sinking Fund to be calculated from the passing of this Act, without Interest.

Commissioners to appoint a Person to survey and ascertain the Height of the Falls.

LXII. And be it further enacted, That the said Commissioners shall at their First Meeting, or as soon after as conveniently may be, and also after the Reservoirs or Embankments, or any of them, or any Part thereof respectively, shall be begun or completed, so often as Circumstances may render it necessary, from Time to Time, and they are hereby authorized and required, to appoint some Person or Persons, not being Owner or Owners, or Occupier or Occupiers of any Mills or Works liable to be rated or assessed by virtue of this Act, as Inspector or Inspectors, Surveyor or Surveyors, to inspect and survey the whole or any Part of the said Ryburn Brook, and to measure and ascertain the Height of the Falls existing thereon respectively, and to determine the Levels of the said Brook and Falls respectively; and also to ascertain and determine in Cases where Two or more Mills occupied by different Persons or Parties are or shall be situate on one or the same. Fall, the relative Value of the Benefit received by such concurrent Occupiers, to the end that the said Commissioners may, from the Report of such Inspector or Inspectors, or Surveyor or Surveyors, be the better enabled fairly and equitably to make and assess the said Rates or Assessments in proportion to the Height of such Falls respectively; and for such Purposes it shall be lawful for such Inspectors, Surveyors, and Assistants from Time to Time to enter into and upon the Lands and Works adjoining or near the said Stream, Rivulet, or Brook.

Power of Distress on Non-pay-ment of Rates.

LXIII. And be it further enacted, That if any Person liable to pay any Rate to be made in pursuance of this Act shall, for the Space of Twenty-one Days after Demand made in Writing on him by the Collector or Receiver of Rates, either in Person or left at the Mill, Manufactory, Dyehouse, or other Works in respect of which such Demand shall be made, refuse or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions in this Act contained, it shall be lawful for the said Commissioners, or their Collector or Receiver, or any Person acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Riding, or Place where the Defaulter shall reside (and which Warrant such Justice is hereby empowered and required from Time to Time to grant as Occasion shall require), to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting to pay the same, returning the Overplus (if any) to the Owner of such Goods and Chattels, after the necessary Charges of making such Distress and Sale shall have been first deducted; and in case sufficient Goods and Chattels belonging to such Person to make Payment of such Rates and such Costs and Charges as aforesaid cannot be found, and the same or any Part thereof shall remain unpaid, then and in every such Case it shall be lawful for the said Commissioners to recover any such Rates by Action of Debt or on the Case in any of Her Majesty's Courts of Record at Westminster.

LXIV. And

LXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, in each and every Year, to cause count to be an Annual Account in Abstract to be prepared, showing the total Re-Copy trans-ceipts and Expenditure of all Funds levied under or by virtue of this mitted to the Act for the Year ending on the Thirtieth Day of June, or some other Clerks of convenient Day in each Year, under the several distinct Heads of the Peace. Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account free of Charge to the Clerks of the Peace for the West Riding of the County of York on or before the First Day of January then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

made up, and

LXV. And for the more speedily raising Money for carrying the Power to Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest, upon the Credit of the Rates to be raised and levied by them by virtue of this Act, in such Manner as they shall the Rates. think proper, any Sum or Sums of Money which they shall think necessary to be borrowed, not exceeding in the whole the Sum of Fifteen thousand Pounds, exclusive of the Sum of Five thousand Pounds herein-before mentioned, to be applied in or towards making and maintaining the said intended Embankments, Reservoirs, and Works, or any of them, and for the general Purposes of this Act; and the said Commissioners are hereby empowered from Time to Time to assign by way of Mortgage the said Rates to be raised and levied by them under or by virtue of this Act respectively, or any Part or Proportion, Parts or Proportions thereof respectively, as a Security to any Person or Persons who shall advance such Sum or Sums of Money, or to his or their Trustees or Trustee, and his or their respective Executors, Administrators, and Assigns, for the Principal so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf; and every such Mortgage shall be made by Deed in Writing under the Hands and Seals of any Two or more of the said Commissioners, duly stamped, in which the Consideration shall be truly stated, in the Form or to the Effect following; (that is to say,)

borrow-no exceeding 15,000*l*. on Security of

BY virtue of an Act passed in the Year of the Reign of Form of Her Majesty Queen Victoria, intituled [here set forth the Title of Mortgage.

' this Act, we of the Commissioners of the

· Rishworth Reservoirs, incorporated by virtue of the said Act, in

consideration of the Sum of * British Money to us paid by

of lawful

in the County of

do hereby assign unto the said

Executors, Administrators, and Assigns, such Proportion of the

Reservoir or Reservoirs, to be Rates in respect of the raised, levied, and collected by virtue of the said Act, as the said doth or shall bear to the whole Sum which 'Sum of ' may at any Time be borrowed or become due and owing or be ' charged on the Credit of the said Rates, to hold the same unto the Executors, Administrators, and ' said 'Assigns, until the said Sum of together ' with Interest for the same after the Rate of • Centum per Annum, shall be fully paid and satisfied. Given under the Hands and Seals of Two or more of the said Commissioners, in the Year of our 'this Day of • Lord

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed; and Copies of all such Mortgages shall be entered in a Book to be kept for that Purpose by the Clerk of the said Commissioners, which Book shall and may at all seasonable Times be perused and inspected by any Person interested therein.

' Mortgages may be transferred.

LXVI. And be it further enacted, That every Person to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the same, is hereby empowered from Time to Time to transfer the same, or any Share thereof, and all or any Part of the Monies due thereon, to any Person whomsoever, either by Indorsement thereon or otherwise, which Transfer shall be made by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated, and may be in the Form or to the Effect following; (that is to say,)

Form of

• of

in consideration of the Sum of Transfer of to me paid by Mortgage. 'do hereby transfer the within Mortgage, [or a certain Mortgage ' made to me by the Commissioners of the Rishworth Reservoirs, '-bearing Date the Day of , and the ' Principal Sum of thereby secured, and ' the Interest now due and hereafter to become due for the same, ' and all my Right and Property therein, unto the said his Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal this .

in the Year of our Lord

Or in any other Form, or to any other Effect which may be better adapted to the Circumstances under which any such Transfer may be made; and every such Transfer shall, within Sixty Days next after the Date thereof, be produced and notified to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book, such Memorial to contain the Dates and Names of the Parties, and the Sums of Money therein transferred, for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence, and no more; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee therein named, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest

Interest Money thereby secured, and such Assignee may in the like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of any Person, except the Person to whom the same shall be last transferred, his Executors or Administrators, to make void, release, or discharge the original Mortgage, or the Monies due thereon, or any Part thereof.

LXVII. Provided always, and be it further enacted, That the Party Holders of entitled to any such Mortgage or Assignment may and he is hereby Mortgages authorized to demand Payment of the Principal Money or Monies Payment on thereby secured, with all Arrears of Interest, at any Time after the Six Months Expiration of Twelve Calendar Months after the Date of such Mort- Notice. gage or Assignment, upon giving Six Calendar Months Notice in Writing to the Clerk of the said Commissioners for the Time being.

LXVIII. Provided also, and be it further enacted, That the said Commis-Commissioners may at all Times pay off and discharge all such Mort-sioners may gages and Assignments in which no Time shall be fixed for Payment pay off Mortgages thereof, or any Part of the Money thereby secured, on giving Six on giving Calendar Months Notice in Writing, to be personally served upon the Six Months Mortgagee or Person or Party entitled to the Monies thereby Notice. secured; and at the Expiration of the said Six Calendar Months after Service of such Notice all Interest shall cease to be paid on the said Principal Money, unless the said Commissioners shall fail to make legal Tender of the Principal Money, or shall, on Demand, make default in Payment thereof in pursuance of such Notice.

LXIX. And be it further enacted, That in case of Nonpayment of For securing any Principal Sum of Money which shall be secured by any Mortgage the Repayor Assignment granted or made by virtue of this Act, or of any Part Principal of such Principal Money (not exceeding Five hundred Pounds in any Money bor-One Year), at the Time when the same ought to be paid, and in case rowed. the same shall not be paid within Six Calendar Months next after the same shall be so payable, and after Demand thereof in Writing shall have been made to the said Commissioners, it shall be lawful for Two or more Justices of the Peace acting for the said West Riding, and not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any One or more of the Parties entitled to any such Mortgages or Assignments, and to whom any Principal Sums of Money shall be then due thereon and unpaid, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rates or Sums as are liable to pay such Principal Monies so due and unpaid, and after such Principal Monies, Interests, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine.

LXX. And be it further enacted, That in case the said Commis- In case sioners shall raise the Whole or any Part of the Money by this Act Mortgages authorized to be raised by Mortgage, Assignment, or Charge, and shall afterwards pay off all or any Part of the Principal Money so secured upon Mortgage, Assignment, or Charge as aforesaid, then raise the and in every such Case it shall be lawful for the said Commissioners, $\lceil Local. \rceil$ immediately,

are paid off, the Commissioners may

immediately, or at any Time after, to raise, in lieu of the Principal Money so paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Commissioners shall not in any Event (except for the Purpose of providing for Damages as in this Act mentioned), borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Sum of Fifteen thousand Pounds in the whole shall be owing at any One Time on Mortgage or Assignment of or as a Charge upon the said several Reservoirs and Works, or any of them.

Rates not to any Debts out Consent of Creditors.

LXXI. Provided always, and be it further enacted, That in case any be reduced Money shall at any Time be borrowed on the Credit of the said or discon-tinued while Rates, the Rates imposed by virtue of this Act (which at the Time of the borrowing of any such Money shall be in force or effect) remain, with shall not be reduced or discontinued without the Consent of the Person or Persons entitled to Three Fourths of the Money remaining due upon the Credit of such Rates, but the same Rates and Assessments shall be and continue in full force and effect, and shall and may be collected and levied, and the Payment thereof enforced at yearly and half-yearly Periods in every Year, so long as such Monies so borrowed shall remain due, and by the same Ways and Means as are by this Act provided for collecting, levying, recovering, and enforcing Payment of the Rates by this Act authorized to be assessed, collected, levied, recovered, and enforced, any thing in this Act contained to the contrary notwithstanding: Provided also, nevertheless, that it shall always be lawful for the Commissioners of the Rishworth Reservoirs to increase the Rates or Assessments so in force and effect, or to assess, make, and levy any additional Rate or Rates for the Purposes of this Act, provided the whole yearly Amount of such Rates or Assessments shall not exceed the yearly Amount by this Act limited or authorized to be raised.

For compelling Payment of Subscriptions.

LXXII. And be it further enacted, That every Person who has already subscribed, or agreed, or who has signed his Name or signified his Consent in Writing, to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, of, for, or towards the Expences, Costs, and Charges of obtaining this Act, and his Executors and Administrators, shall and he and they is and are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid, or as shall from Time to Time be called for, by or on behalf of the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners, by Notice in Writing under the Hand of their Clerk; and in case any such Subscriber, his Heirs, Executors, or Administrators, shall refuse or neglect to pay the Amount of such Money so called for at the Time and Place and in manner required for that Purpose, within Twentyone Days next following, the said Commissioners are hereby empowered to sue for and recover the same in an Action of Debt or on the

the Case, or by Bill, Plaint, or Information, against the Person so neglecting or refusing as aforesaid, his Heirs, Executors, or Administrators, in any of Her Majesty's Courts of Record at Westminster; and after Proof of such Person having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and such Execution shall issue thereupon as the Case may require.

LXXIII. And be it further enacted, That the Monies to be received Application by the said Commissioners under or by virtue of this Act shall be of Monies. applied by them, in the first place, in Payment of all the Costs, Charges, and Expences attending and incident to the applying for and obtaining and passing of this Act; and in the next place to the Purchase of Lands to be taken and used for the Purposes of this Act; and in the next place in paying all Costs and Expences incident to making the several Embankments or Reservoirs and Works by this Act authorized to be made and executed, and in paying from Time to Time the Interest of any Monies subscribed or advanced, or to be subscribed or advanced, for such Purposes, or any of them, and the Interest of any Money to be borrowed by the said Commissioners under the Powers or Provisions of this Act, and also in maintaining the said several Embankments or Reservoirs and Works in good and sufficient Repair; and the Residue of such Monies (if any) shall from Time to Time be applied for the Purpose of raising a Fund to be kept in reserve for answering any extraordinary Outlay or Contingency, or otherwise relative to the Execution of the Purposes of this Act, and in furthering the Purposes thereof, and also (at the Discretion of the said Commissioners) in paying off all or any Part of the Principal Monies advanced, or to be from Time to Time advanced or borrowed for the Purposes of this Act.

LXXIV. And be it further enacted, That if any of the said Com- Persons admissioners, or any other Person or Persons, shall advance and pay any Sum of Money in discharge of the Fees or Expences of apply- the Exing for, obtaining, or passing this Act, the Monies so paid and advanced shall be repaid and satisfied by the said Commissioners, together with lawful Interest for the same, from the Time or Times of advancing or paying any such Monies up to the Time of Repay- with Inment, out of the first Monies which shall come to the Hands of the terest. said Commissioners by virtue of this Act.

vancing Money towards pences of obtaining the Act, to be repaid

LXXV. And be it further enacted, That for the Purpose of regu- Committee lating and insuring the Supply of Water from the said several and of Owners respective Reservoirs, for the Use of the Mills, Factories, Dyehouses, and other Premises upon the said Stream, Rivulet, or Brook, the said Commissioners shall and they are hereby required, at their first for Manage. Meeting after the Completion of the said several and respective ment of Reservoirs and Works or any of them, or before the Completion thereof or any of them, when the same or any of them shall become useful, though only partially completed, and at their General Annual Meeting in each succeeding Year, to appoint Nine of the said Commissioners, of whom Three shall be both Owners and Occupiers, and Six shall be Occupiers only, and not Owners of the said Falls, except

and Occupiers to be appointed

except the said William Toone or the Commissioner for the Time being to be nominated and appointed by the said Earl of Scarbrough, his Heirs and Assigns as aforesaid, (in case there shall be so many of such Characters from Time to Time capable of and willing to accept the Office, but in case there shall not be so many of either of the said Characters respectively capable of and willing to accept the Office, then the Deficiency shall be made up from the other of the said Characters,) as a Committee, who (subject to the Direction of the general or adjourned Meeting of the Commissioners) shall have the entire Management and Regulation of the said Sluices and other Works for regulating and insuring such Supply of Water, and shall have the Power of regulating at all Times the Flow of Water from the said several and respective Reservoirs, for the Use of the said Mills, Factories, Dyehouses, and other Premises: Provided always, that such Flow of Water from the said several and respective Reservoirs shall be so regulated as that the Quantity of such Water which shall be allowed to flow in the Night-time (such Night-time to be computed from Eight of the Clock in the Evening to Four of the Clock in the Morning) shall always be at the least sufficient to supply for full Work the Corn Mill called Rishworth Mill, belonging to the Right Honourable John Savile Lumley Savile, Earl of Scarbrough, or any other Mill which may be erected and used as a Corn Mill upon any Part of the Estate of the said Earl of Scarbrough, adjoining or near to the said Stream or Flow of Water from such Reservoirs; and for enabling the said Committee more effectually to accomplish this Object, such Committee are hereby authorized and empowered to appoint proper Persons as Keepers of the said Reservoirs and Works, with competent Salaries (to be paid by the said Commissioners, or their Treasurer, on producing an Order for Payment from the said Committee), for the Protection and Management of the said Reservoirs and Works connected therewith, or any of them, who shall be entirely under their Authority, and shall constantly reside in the Dwelling House or Dwelling Houses, as the Case may be, to be built or provided near the said Reservoirs, or one of them, as aforesaid,

Power to borrow an additional Sum of Money for Repairs, and Payment of Damages in case of the breaking down of Embankment.

LXXVI. And be it further enacted, That in case it shall happen at any Time that the said several Reservoirs and Embankments or either of them, or any of the Works hereby authorized to be made, shall give way or break down, either wholly or partially, or shall become out of repair, it shall be lawful for the said Commissioners and they are hereby authorized and required forthwith to cause the same to be restored and repaired; and in order the better to enable the said Commissioners to provide for the Payment of any Costs, Charges, and Expences, and also of any Damages which may be done or occasioned or which may arise or become payable by reason of the breaking down or Want of Repair of any of the said Embankments, or any of the Works hereby authorized to be made, it shall be lawful for the said Commissioners and they are hereby empowered and required to borrow and take up at Interest upon the Credit of the Rates to be raised and levied by them by virtue of this Act, but without Prejudice to any prior Mortgage or Mortgages, such additional Sum or Sums of Money (over and above the said Sum of Fifteen

Fifteen thousand Pounds herein-before authorized to be raised as aforesaid) as shall be required to pay such last-mentioned Damages, and for repairing such Embankments and Works, which Mortgages shall, be as nearly as may be in the Form and transferable in like Manner as is herein-before provided respecting the Securities first hereinbefore mentioned; and it shall be lawful for the said Commissioners, in order to provide for the Payment of the Interest of such additional: Sum or Sums so to be borrowed as aforesaid, and (by Degrees) of the Principal of such additional Sum or Sums (in addition to and over and above the Rates herein-before authorized to be raised), to make, assess, and levy One or more Rate or Rates upon the Occupiers aforesaid, such additional Rate or Rates to be made, levied, and assessed by the said Commissioners in manner aforesaid, to such Extent or Amount as shall be sufficient to pay and be applied in the Discharge of such Interest, and the Surplus (if any) of any such additional Rate or Rates shall be applied in liquidation of the Principal of such additional Sum or Sums, provided that the Surplus to be applicable to such Liquidation shall not in any one Year exceed Five Pounds per Centum of such additional Sum or Sums so to be borrowed as aforesaid.

LXXVII. And be it further enacted, That in case it shall at any power of Time happen, from Floods or from any unforeseen Accident, that any entering of the Embankments of the said several and respective Reservoirs shall give way or break down, whereby the adjacent Lands and Property might be subjected to Danger of great Damage or Injury, Repairs, in unless the same should be immediately repaired or rebuilt, it shall be case of sudlawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time, by their Officers, Engineers, Surveyors, Agents, or Workmen, without any Delay or Interruption from any Person whomsoever, to enter into any Lands or other Property adjoining or near to any of the said several Reservoirs, or the said Stream, Rivulet, or Brook called the Ryburn Brook, or any of them (not being the Ground whereon any House stands, nor being an Orchard, Yard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Occupier or other Person interested in such Lands or other Property, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damages as may be done to the Owners or Occupiers of or other Persons interested in such Lands and other Property, by means of the digging for, getting, working, taking, and carrying away, and using, such Stones, Gravel, and Materials; which Damages, and the Satisfaction or Recompence for the same, shall be settled and determined by the Ways and Means by this Act prescribed with respect to other Damages done by the breaking down of any of the Embankments of the said several Reservoirs.

Lands, and getting Materials for den Damagés.

LXXVIII. And be it further enacted, That if any Person, being a Compensa-Commissioner under this Act, or any other Person, shall sustain any Local. Damages

Damages in his Lands or Property by reason of the Execution of any of the Powers given by this Act, or by reason of the giving way or breaking down of or the Want of Repair of any of the Embankments or any of the Works hereby authorized to be made, or if any public Bridge, or the Road belonging to the same, shall be thereby destroyed or damaged, then and in every such Case full Compensation and Satisfaction shall be made by the said Commissioners for all such Damages; and in case of Nonpayment of the Amount of such Damages for the Space of Thirty Days next after the same shall be demanded, the same shall and may be recovered, together. with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of Her Majesty's Courts of Record at Westminster.

Settling Disputes as to Damages to a small Amount.

LXXIX. And be it further enacted, That in case any Difference shall-arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act; and if such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the said West Riding, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners.

covering Damages directed by Justices of the Peace to be paid by Commissioners.

Mode of re- LXXX. And be it further enacted, That when and so often as any Sum of Money shall by any Justice or Justices of the Peace be directed or ordered to be paid in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Commissioners, or by any Person acting by or under their Authority, and any such Sum of Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Thirty Days after Demand in Writing shall have been made from the said Commissioners, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his or their Hand and Seal or Hands and Seals, on Application made to him or them for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and also the Costs and Expences of such Distress and Sale, then and in such

such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being.

LXXXI. And be it further enacted, That where any Damages or Damages Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting be settled the same, shall be settled and determined by the Justice of the by Justices. Peace by or before whom any Offender shall be convicted of any Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

and Charges, in case of Dispute, to

LXXXII. And be it further enacted, That all Complaints and In-Recovery formations of and for Offences against this Act (except in Cases where the Manner of hearing and determining thereof is herein-before plication of otherwise directed) shall and may be made before one Justice of the Peace of the said West Riding of the County of York, and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before him, or, upon Complaint upon Oath, to issue his Warrant for the Apprehension of any such Person, and upon the Appearance or Nonappearance of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Person such Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by virtue of this Act imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice to order any such Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the said West Riding of the County of York, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such

and Ap-

such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, when the Application is not directed otherwise by this Act, be paid into the Hands of the Treasurer of the said Commissioners, and shall be applied and disposed of towards the defraying the Expence of carrying the Purposes of this Act into execution; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Commissioners may apply Part of the Penalties to reward Informers.

LXXXIII. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall think fit, to pay and apply any Part of the said Penalties and Forfeitures to and for the Use of the Informer or other Person aiding or assisting in the Apprehension of any Offender therein.

For securing transient Offer ders.

LXXXIV. And be it further enacted, That it shall be lawful for any Person who shall see any Offence committed against this Act by any Person destroying or doing any wilful Damage to the said Reservoirs, Embankments, Conduits, Feeders, Sluices, Pipes, or other Works, or any of them, by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the said West Riding of the County of York, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

LXXXV. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

Form of Conviction.

to wit. BE it remembered, That on [Time of Conviction], at to wit. BE it remembered, That on [Time of Conviction], at [Place of Conviction], [Name of Offender] of [Addition of Offender] was duly convicted before me [or us], [Name and Style of convicting Justice or Justices], for that the said [Name of Offender] on [Time of committing Offence] at [Place of committing Offence], did [here state the Offence against the Act, according to the Fact], contrary to the Form of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [here set forth the Title of this Act]; and I [or we] do therefore determine and adjudge that the said [Name of Offender] has forfeited for the said Offence the Sum of [Fine], or shall be committed to [Place of Imprisonment] for the Space of [Time of Imprisonment, as the Case may be]. Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.'

LXXXVI. And

LXXXVI. And be it further enacted, That where any Distress shall Distress not be made for any Sum of Money to be levied by virtué of this Act, unlawful for the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, nor shall the Party distraining be deemed a Trespasser ab initio on account of any Irregularity which shall be afterwards committed by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

want of Form.

LXXXVII. And be it further enacted, That no Proceedings to be Proceedings had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or quashed for want of Process whatsoever, into any of Her Majesty's Courts of Record at Form. Westminster or elsewhere.

not to be

LXXXVIII. And be it further enacted, That if any Person who shall Penalty on be summoned as a Witness to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Charges, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker, by solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Witnesses not appear-

LXXXIX. And be it further enacted, That in all Actions and Suits Two Comat Law or in Equity, and in all Prosecutions and Proceedings under missioners this Act or otherwise, for any Claim or Compensation against authorized or for or on behalf of the said Commissioners, or other Proceed-Releases to ings in or consequent upon or arising out of any such Actions, Witnesses. Suits, or Proceedings, it shall be lawful for any Two or more of the said Commissioners, in their own Names, for or on behalf of the said Commissioners, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims and Demands which may be necessary to be released by the said Commissioners, in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, and also to do any other Act, Matter, or Thing, in such Actions, Suits, Prosecutions, or other Proceedings, which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings, and every such Release, [Local.]

Release, Act, Matter, and Thing respectively shall be valid and effectual in all respects and to all Intents and Purposes whatsoever.

Persons giving false Evidence may be prosecuted.

XC. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath (or, being Quakers, upon Affirmation) by virtue of this Act, shall wilfully and corruptly give false: Evidence or otherwise forswear themselves before any Justice of the Peace or other Person acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Punishment as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Power of Appeal,

XCI. And be it further enacted, That if any Person shall think himself aggrieved by any Order or Judgment of any Justice of the Peace, or by any thing done or omitted to be done in pursuance of this Act, (other than and except such Determinations of any Referees or Umpire, or Referee, to be appointed as herein-before mentioned, as are declared to be binding, final, and conclusive,) then and in every such Case such Person may appeal to any General or Quarter Sessions of the Peace to be holden for the West Riding of the County of York within Four Calendar Months next after the Cause of Complaint shall have arisen, giving to the Party or Parties concerned Notice in Writing of such Appeal and of the Matter thereof Ten Days at least before such General or Quarter Sessions; and the Justices (not being interested in the Premises) in such Session assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon any such Appeal shall be final and conclusive on all Parties concerned, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at Westminster or elsewhere, but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

Notices, how to be given to Commissioners.

XCII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Party to serve upon the said Commissioners any Notice, Writ, or other Proceeding at Law or in Equity, the Service upon the Clerk of the said Commissioners, or eleft at the Office or usual Place of Abode of such Clerk, and in case the Residence of such Clerk be not known, then Service of such Notice upon any One of the said Commissioners, or left at the last or usual Place of Abode of any One of the said Commissioners, shall be deemed good and sufficient Service of the same respectively upon the said Commissioners.

XCIII. And be it further enacted, That in all Cases wherein it may Notices, be necessary or requisite for the said Commissioners to give any how to be Notice or to make any Requisition upon any Person whomsoever, given by Commisor to publish any Advertisement, such Notice, Requisition, or sioners. Advertisement (except where a different Method is herein-before expressly provided) shall and may be in Writing signed by the Clerk of the said Commissioners, without being required to be under the Common Seal of the said Commissioners, or to be made under any Authority authorized by such Common Seal.

XCIV. Provided always, and be it further enacted, That no Plaintiff Plaintiff not shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act unless Notice in Writing without shall have been given to the Defendant, or left at his last or usual after Tender Place of Abode, Twenty-eight Days before such Action shall be of Amends. commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney, by or on behalf of the Defendant, before such Action brought, nor if such Tender of Amends shall be made at any Time after the Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

to recover Notice, or

XCV. And whereas by reason of the Exercise of the Powers by this Provision Act granted there may be Deficiencies in the Assessments for Land for Defici-Tax in the several Parishes or Townships through or in which the encies of several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Commissioners shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking or using for the Purposes of this Act any Lands or Premises liable to such Assessments, according to the Rental at which the same

same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Interpretation Clause.

XCVI. And be it further enacted, That whenever in this Act mention is made of "Commissioners" or "the said Commissioners" the said Expressions shall be understood as describing or referring to "The Commissioners of the Rishworth Reservoirs" as Commissioners, and not as Individuals, unless the Sense manifestly requires a contrary Interpretation; and also that where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Land" shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Words "Ryburn Brook" are used, the same shall be understood to mean the Stream or Flow of Water between the Site of the said Reservoirs and the Junction of the same Stream or Flow of Water with the River Calder at or near to Sowerby Bridge; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Act to be deemed a Public Act.

XCVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1839.