



ANNO QUARTO & QUINTO

# VICTORIÆ REGINÆ.

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## Cap. ix.

An Act to amend an Act of Her present Majesty, for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*. [21st June 1841.]

**W**HEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Reservoir at Deanhead in the Parish of Huddersfield in the West Riding of the County of York, and for other Purposes relating thereto*: And whereas by the said Act the Commissioners thereby incorporated by the Name of "The Commissioners of the *Deanhead* Reservoir," for executing the same, were empowered to borrow and take up at Interest, on the Credit of the Rates to be raised and levied by virtue thereof, any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand five hundred Pounds, to be employed in or towards making and maintaining the Embankment, Reservoir, and Works by the said Act intended to be made, and for the general Purposes of the said Act: And whereas by the said Act it was provided and enacted that if the said Sum of Three thousand five hundred Pounds should be insufficient for completing the said Works, it should be lawful for the said Commissioners from Time to Time to borrow and take up at Interest, on the Credit of the Rates, such further Sum or Sums as from Time to Time should

1 & 2 Vict. c. 64.

[Local.] 14 C be

be requisite for making and completing such Works; and, with the Consent and Approbation of a Majority in Value of the Commissioners for executing the Act (such Value to be estimated by the Amount of Rates payable under the Act by the whole Number of the Commissioners for the Time being), from Time to Time to augment the Rates by the Act granted to a Sum not exceeding such Amount as should by such Owner of the said Mills, and such a Majority of the whole Number of such Commissioners, be from Time to Time deemed expedient: And whereas the Words "such Owner of the said Mills," used as aforesaid, have no definite Application; and inasmuch as the same form Part of the Condition on which the Authority to raise the Money can be exercised, the said intended Provision and Enactment cannot be made available: And whereas the said Commissioners have proceeded in the Execution of the said Act, and have borrowed and raised and expended the said Sum of Three thousand five hundred Pounds, and have made considerable Progress in the Erection and Construction of the said Embankment, Reservoir, and Works, but the same cannot be completed without a further Sum of Money being raised for the Purpose: And whereas the Purposes of the said Act might be better effected if the Commissioners for executing the same were empowered to make, construct, complete, and maintain the Embankment across the Brook called the *Blackbourne*, in the Township of *Scammonden* in the Parish of *Huddersfield*, of greater Strength or Breadth or Thickness or Dimensions than are marked, delineated, or expressed on the Map or Plan referred to by the said Act, and to alter the Line of the said Embankment by curving the same at the southwardly End thereof, so as to carry or make the southwardly Terminus thereof further to the Westward of the Terminus marked or delineated on the said Map or Plan, and if further Powers were granted for improving the same, and if the Term limited by the said Act for the Completion thereof were enlarged and the Rates increased: And whereas several of the Clauses, Provisions, and Powers in the said Act are defective, and it is therefore expedient the same should be altered, explained, and amended; but as the same cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things whatsoever contained in the said recited Act, except in so far as the same are altered or repealed, or repugnant to the Provisions in this Act contained, shall extend and operate for the Purposes of this Act as effectually as if the same were re-enacted in this Act and were made Part thereof.

Provisions of former Act extended to this Act, except as hereby altered.

Power to borrow an additional Sum not exceeding 5,500l.;

II. And be it enacted, That it shall be lawful for the Commissioners of the *Deanhead* Reservoir 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 the said recited Act or this Act, in such Manner as they shall think proper, any Sum of Money which they shall think necessary to be borrowed for carrying the Purposes of the said recited Act and this Act into execution, not exceeding in the whole

whole the Sum of Five thousand five hundred Pounds, in addition to the Sum of Three thousand five hundred Pounds by the said recited Act authorized to be borrowed.

III. And be it enacted, That it shall be lawful for the Commissioners and they are hereby empowered from Time to Time to mortgage, demise, grant, or assign over the said Rates, or any Part or Proportion thereof, as a Security to any Person who shall advance or lend any such Money, or to the Trustees, Executors, Administrators, and Assigns of any such Person, for the Repayment of the Principal Money so to be advanced or lent, with such lawful Interest for the same as shall be agreed upon in that Behalf.

and to mortgage the Rates.

IV. And be it enacted, That every such Mortgage or Assignment shall be by Deed in Writing, under the Common Seal of the Commissioners, duly stamped, in which the Consideration shall be fully stated, and any such Mortgage or Assignment may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be by Deed.

V. And be it enacted, That the respective Mortgagees shall be entitled, one with another, to their respective Proportions of the Rates, Sums, and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference, one above another, by reason of Priority of the Date of such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of Mortgagees.

VI. And be it enacted, That all Mortgages heretofore granted by the Commissioners shall have Priority, both in the Payment of Principal and Interest, over all Monies to be raised under the Powers of this Act.

Existing Mortgages to have Priority.

VII. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage, the Commissioners pay off the same, it shall be lawful for them again to borrow the Amount paid off, and so from Time to Time.

Re-borrowing.

VIII. And be it enacted, That a Register of Mortgages and Assignments shall be kept by the Clerk, and within Fourteen Days after the Date of any such Mortgage or Assignment, an Entry or Memorial specifying the Number and Date of the same, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Commissioners, or by any Mortgagee or Creditor, or by any Person interested in any such Mortgage or Assignment, without Fee or Reward.

Register of Mortgages.

IX. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by a Deed in Writing duly stamped,

Transfer of Mortgages.

stamped, wherein the Consideration shall be truly stated, and every such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Entry of  
Transfers of  
Mortgages.

X. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Payment of  
Interest on  
Loans.

XI. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Assignment shall be payable and paid half-yearly to the several Parties entitled thereto.

Transfers of  
Interest to be  
stamped.

XII. And be it enacted, That the Interest on any such Mortgage or Assignment shall not be transferrable, except by an Instrument duly stamped.

Repayment  
of Money  
borrowed at  
a Time fixed.

XIII. And be it enacted, That the Commissioners may if they think proper fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Commissioners shall cause such Period to be inserted in the Mortgage Deed; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage.

Repayment  
of Money  
borrowed  
where no  
Time fixed.

XIV. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to the Mortgage may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Commissioners may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Creditor, shall be by Writing, delivered to the Clerk, and if given by the Commissioners shall be by Writing, given either personally to such Mortgagee or Creditor, or if such Mortgagee or Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper circulated in *Huddersfield*; and at the Expiration of the said Notice, when given by the Commissioners, Interest shall cease to be payable on the Money secured by such Mortgage, unless on Demand of such Money the Commissioners fail to pay the same, pursuant to such Notice.

XV. And

XV. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal, Interest, and Costs of any such Mortgage, at the respective Times at which such Interest or such Principal and Interest and Costs become due, be it enacted, That if such Interest, or any Part thereof, shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Creditor may either sue for the Interest so in arrear, by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Forenforcing  
Payment of  
Arrears.

Interest.

XVI. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Creditor may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amount to the Sum of One hundred Pounds he may alone, or if his Debt does not amount to the Sum of One hundred Pounds, he may in conjunction with other Mortgagees or Creditors whose Debts, being so in arrear after Demand as aforesaid, shall together with his amount to the Sum of One hundred Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal  
and Interest.

XVII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the West Riding of the County of *York*, and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Rates or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates or Sums aforesaid, be fully paid; and upon such Appointment being made all such Rates and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Appointment  
of Receiver.

XVIII. And be it enacted, That at all reasonable Times the Books of Account of the Commissioners shall be open to the Inspection of the respective Mortgagees and Creditors thereof, with Liberty to take Extracts therefrom without Fee or Reward.

Access of  
Account  
Books by  
Mortgagees.

XIX. And be it enacted, That so much of the said recited Act as enacts that if the Money thereby authorized to be borrowed shall be insufficient for completing the Works it should be lawful for the Commissioners to borrow such further Sum as should be requisite for making and completing the Works, and with the Consent and Approbation

Repealing  
Clause in the  
former Act  
relating to  
augmenting  
the Rates.

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bation

bation of a Majority in Value of the Commissioners for executing the Act from Time to Time to augment the Rates by the Act granted to a Sum not exceeding such Amount as should by such Owner of the said Mills, and such a Majority of the whole Number of such Commissioners, be from Time to Time deemed expedient, shall be repealed.

Sums to be borrowed may be augmented, and the Rates augmented proportionably with Consent.

XX. And be it enacted, That if the Sum of Three thousand five hundred Pounds by the said recited Act authorized to be borrowed and raised, and the said additional Sum of Five thousand five hundred Pounds by this Act authorized to be borrowed, shall be insufficient for completing the Works by the said recited Act and this Act authorized, it shall be lawful for the Commissioners from Time to Time, at or after any extraordinary General Meeting shall have been called for the Purpose (in manner by the said recited Act provided for calling extraordinary General Meetings), to borrow and take up at Interest, in manner aforesaid, on the Credit of the Rates by the said recited Act or this Act authorized to be raised and levied, such further Sum or Sums as from Time to Time shall be requisite for making and completing such Works, and with the Consent and Approbation of a Majority in Value of the Commissioners (such Value to be estimated by the Amount of such Rates payable by the whole Number of the Commissioners for the Time being), from Time to Time to augment the said Rates to such Amount as shall by such a Majority of the whole Number of such Commissioners be from Time to Time deemed expedient; and such augmented Rates shall be levied and assessed and be payable and recoverable in manner by the said recited Act provided for levying, assessing, collecting, and enforcing Payment of the Rates thereby authorized to be assessed and levied: Provided that it shall not be lawful for the Commissioners, under any Circumstances (except in Cases where it may be necessary to provide for the Payment of any Damages which may arise or become payable by reason of the breaking down of the Embankment or Works by the said recited Act or this Act authorized to be made, or any Part thereof, or for the Repair thereof in such Cases), to augment the said Rates to any larger Sum in any One Year than Forty Shillings for every Foot of Fall occupied or made liable to be rated as mentioned in the said recited Act; and if the Measure of any Fall contains any fractional Part of a Foot, then reckoning only a due Proportion of the Sum of Forty Shillings *per* Foot for any such Part accordingly.

Power to raise the Rates to 30s. per Foot of Fall.

XXI. And for carrying the Purposes of the said recited Act and this Act into execution, be it enacted, That it shall be lawful for the Commissioners to make and levy such Rate or Rates at yearly or half-yearly Periods, as they shall deem expedient, not exceeding in any One Year the Sum of Thirty Shillings for every Foot of Fall, upon all Persons who shall occupy any Fall which by the said recited Act is authorized to be rated.

Abstract of Accounts to be transmitted to the

XXII. And be it enacted, That an annual Account in Abstract shall every Year be prepared by the Commissioners, or by the Treasurer or such other Officer of the Commissioners as they shall appoint, showing

showing the total Receipts and Expenditure of all the Funds levied under the said recited Act and this Act for the past Year, with a Statement of the Balance of the said Account, duly audited and certified by the Commissioners, and signed by Five or more of them, at some Meeting to be held under the Authority of the said recited Act or this Act; and a Copy of such annual Account shall be transmitted, free of Charge, to the Clerk of the Peace of the West Riding of the County of *York* on or before the Thirty-first Day of *January* in every Year; and in case the Commissioners shall at any Time omit to prepare or cause to be prepared such Account as aforesaid, or to transmit or cause to be transmitted a Copy thereof as aforesaid to the said Clerk of the Peace within the Period aforesaid, the Commissioners shall for each such Offence forfeit and pay the Sum of Ten Pounds, to be levied and recovered in manner by this Act provided for levying and recovering any Sum of Money payable by the Commissioners; and the said Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment or Tender to the said Clerk of the Peace of the Sum of One Shilling for each such Inspection.

Clerk of the Peace annually.

XXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands which they shall consider requisite for the Purposes of the Reservoir for the absolute Purchase for a Consideration in Money of such Lands.

Power to purchase Lands.

XXIV. And be it enacted, That nothing herein contained shall prevent *Thomas Thornhill* Esquire, his Heirs or Assigns, from making use of the Water coming in or flowing through the Lands belonging to him the said *Thomas Thornhill*, in such Manner as he now of right may do.

Mr. Thornhill to use the Water flowing through his Lands as heretofore.

XXV. And be it enacted, That it shall not be lawful for the said Commissioners to take any Water from the South Side of the *New Hey Road*.

No Water to be taken from the South Side of *New Hey Road*.

XXVI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Husbands on behalf of their Wives, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the

Parties under Disability enabled to sell and convey.

Lunatics

Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be in a gross Sum.

XXVII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

XXVIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise, owing to the Exercise of the Powers of this Act.

Amount of Compensation to Parties under Disability to be ascertained by Valuation.

XXIX. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands; be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

XXX. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule to this Act annexed marked (C.), or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated



sated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

XXXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 there, *ex parte* "The Commissioners of the *Deanhead* Reservoir," pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better securing Monies 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 pursuant to the General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in Bank of England.

1 G. 4. c. 35.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or,

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Exchequer shall direct; or,

In Payment to any Party becoming absolutely entitled to such Money.

XXXII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into

Order for Application.

Money for the Purposes aforesaid the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums not amounting to 200*l.* and exceeding 20*l.* to be deposited or invested in Trustees.

XXXIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England* and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XXXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid for their Use to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Court of Exchequer may direct investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions.

XXXV. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

XXXVI. And

XXXVI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary shall be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in Possession deemed to be the Owner.

XXXVII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Exchequer may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in Cases of Money deposited.

XXXVIII. And be it enacted, That the Reservoir hereby authorized to be improved, executed, or made shall be so improved, executed, or made in and upon any Land at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*, purchased and to be purchased by the Commissioners.

Site of the Reservoir.

XXXIX. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Commissioners to improve, execute, or make and maintain the said Reservoir in the Line and upon the Lands delineated and described on the Plan and in the Book of Reference herein-after mentioned.

Commissioners may make the Reservoir according to deposited Plan.

XL. And whereas a Plan and Section of the Reservoir, showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners and Occupiers or reputed Owners and Occupiers of the Lands in which the same is intended to be made, have been deposited with the Clerk of the Peace of the West Riding of the County of *York*; be it enacted, That all Persons interested may at all seasonable Times inspect such Plan, Section, and Book of Reference, and may require to be furnished by any such Clerk of the Peace with Extracts therefrom or Copies thereof; and such Clerk of the

Deposited Plans and Books of Reference to be open for Inspection.

the

the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if any such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions to be corrected.

XLI. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners or Occupiers of any Lands described on the said Plan or in the said Book of Reference, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said Riding, and Copies or Extracts thereof with the Clerk of the said Parish of *Huddersfield*; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Parish Clerk respectively along with the Documents to which they relate, and thereupon such Document shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Reservoir in accordance with such Certificate.

Certified Copies of Plans to be Evidence.

XLII. And be it enacted, That true Copies of such Plan and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof,

Commissioners not to deviate from Plan,

XLIII. And be it enacted, That the Commissioners in making the Reservoir shall not have Power to deviate from the Line delineated on the Plan so deposited,

Commissioners, with Consent of Five Eighths of the Rate-payers, may raise the Embankment Six Feet above the contemplated Level.

XLIV. And be it enacted, That if after the Expiration of Five Years from the Time when the Embankment of the Reservoir shall have been made and completed of the Height specified in the Map or Plan referred to by the said first-recited Act it shall appear to the Commissioners that the same may be advantageously further raised or heightened, it shall be lawful for the Commissioners (after the Matter shall have been decided upon at an Extraordinary General Meeting, to be called and held in manner provided by the said first-recited Act for considering the same), with the Approbation in Writing, under the Hands of Five Eighths in Value of the whole Number of Commissioners for the Time being, (such Value to be estimated by the gross Amount of Rates payable by the whole Number of the then Commissioners,) to raise or heighten the said Embankment to such Height and in such Manner as they shall think proper, not exceeding

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Six Feet above the Level specified on the said Map or Plan referred to by the said first-recited Act, and defray the Expences attending the same out of the Rates by this Act authorized to be raised.

XLV. And inasmuch as the Reservoir cannot be safely and securely made and completed unless the Embankment across the *Blackbourne* be executed at Intervals of Time, so as to enable the Works to settle and become firm and solid; and as it is estimated that the same may be so completed within the Term of Ten Years, be it therefore enacted, That if the said Reservoir shall not have been completed within the Space of Ten Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act for that Purpose shall cease and determine as to all such and so much of such Works as shall not have been completed within such Time, but without Prejudice to all or any of the Rights, Powers, and Privileges as to such and so much of the said Works as shall have been completed within such Time; and also saving all such Matters and Things as shall have been transacted, and such Contracts and Agreements as shall have been made in pursuance of the Powers herein contained, and so that the Commissioners be not discharged from any Liability or Obligation to any Person arising out of the Provisions contained in the said first-recited Act or this Act, and without Prejudice to the Powers and Provisions of the said first-recited Act or this Act for assessing and levying Rates for repairing and maintaining the Works in repair, and making Satisfaction to all Persons entitled to Compensation for any Injury or Damage, and providing for Payment of Interest for Monies advanced on the Credit of the said first-recited Act or this Act, and the Repayment of all such Principal Monies.

Works to be completed in Ten Years.

XLVI. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto, together with lawful Interest for any Money which shall have been advanced by any Person for or towards such Costs, Charges, and Expences, shall be paid and discharged by the Commissioners out of any Monies which shall be in their Hands or in the Hands of their Treasurer at the Time of the passing of this Act, or out of the first Monies which shall come into the Hands of the Commissioners or their Treasurer after the passing of this Act, in preference to all other Payments whatsoever.

Expences of Act.

XLVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation Clause.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

[Local.]

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The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Word "County" shall include any Riding or other like Division of a County :

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy :

The Word "Justice," shall mean Justice of the Peace for the County, Riding, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :

The Word "Rate" shall include any Rate or Charge or other Payment payable under this Act for carrying the Purposes of this Act or the former Act into execution :

The Expression "the Reservoir" shall mean the Reservoir and the Embankment and Works connected therewith by this or the said recited Act authorized to be improved, executed, or made : And

The Expression "the Commissioners" shall mean the Commissioners of the *Deanhead* Reservoir in their Corporate Character, and not as Individuals.

Public Act.

XLVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

## SCHEDULES referred to in the foregoing Act.

## SCHEDULE (A.)

*Form of Mortgage Deed.*

## THE DEANHEAD RESERVOIR.

Mortgage, Number £  
 By virtue of an Act passed in the Year of the Reign of  
 Her Majesty Queen Victoria, intituled "An Act to amend an Act of  
 Her present Majesty, for making and maintaining a Reservoir at Dean-  
 head in the Parish of Huddersfield in the West Riding of the County  
 of York," we, "The Commissioners of the Deanhead Reservoir," in  
 consideration of the Sum of Pounds, paid to us by *A.B.*  
 of do assign unto the said *A.B.*, his Executors,  
 Administrators, and Assigns, such Proportion of the Rates to be  
 raised, levied, and collected by virtue of the said Act as the said Sum  
 of doth or shall bear to the whole Sum which  
 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  
 said *A.B.*, his Executors, Administrators, and Assigns, until the said  
 Sum of Pounds, together with Interest for the same at  
 the Rate of for every One hundred Pounds by the  
 Year, be satisfied [the Principal Sum to be paid at the End of  
 Years from the Date hereof (*in case any Period be agreed upon for*  
*that Purpose*)]. Given under our Common Seal this Day  
 of in the Year of our Lord

## SCHEDULE (B.)

*Form of Transfer of Mortgage.*

I *A.B.* of in consideration of the Sum of  
 paid to me by *G.H.* of do hereby transfer to the said  
*G.H.*, his Executors, Administrators, and Assigns, a certain Mortgage,  
 Number made by "The Commissioners of the Deanhead Reser-  
 voir," to bearing Date the Day of  
 for securing the Sum of and Interest [or (if such  
*Transfer be by Endorsement)* the within Security], and all my Right,  
 Estate, and Interest in and to the Money thereby secured, and in and  
 to the Reservoir, Rates, and Sums of Money thereby assigned.  
 Dated this Day of One thousand eight hundred  
 and

SCHE-

