



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxix.

An Act for making and maintaining Reservoirs upon the tributary Streams of the River *Etherow* otherwise the *Mersey* in the Parish of *Glossop* in the County of *Derby*, for more effectually and regularly supplying with Water the Mills, Manufactories, and Works on the said tributary Streams and River. [30th June 1837.]

WHEREAS the spinning and manufacturing of Cotton, the Process of Calico printing, and other manufacturing Trades, are extensively carried on along the Course of the tributary Streams of the River *Etherow* otherwise the *Mersey*, and of the said River: And whereas great Inconvenience is felt by Persons engaged in such Trades from the Supply of the Water in the said tributary Streams and River at certain Seasons of the Year being inadequate to the propelling of the Machinery in the Mills, Manufactories, and Works thereon: And whereas it appears that such Inconvenience would be greatly relieved if not wholly removed by the Construction of proper Reservoirs for the impounding of Water therein in Times of Flood and rainy Seasons, and delivering the same out in a regular diurnal Supply for the Use of the Mills, Manufactories, and Works upon the said tributary Streams and River, and that there are eligible Situations for the Formation of such Reservoirs in Three narrow Valleys in the Townships of *Glossop*, *Whitfield*, *Simmondley*, and *Chunal* in the Parish of *Glossop* aforesaid, through which the said tributary Streams called *Shelf Brook*, *Hurst Brook*,
[Local.] 31 M and

Commis-
sioners
incorporated.

and *Chunal Brook*, run, and which by short Embankments may be made capable of containing and delivering a regular Supply of Water for the Use of the said Mills, Manufactories, and Works: And whereas it would be of great Benefit and Advantage to the Owners and Occupiers of the several Mills, Manufactories, and Works on the said tributary Streams and River, to the Occupiers of the Lands adjoining thereto, and to the Public at large, if the said Objects were accomplished; but the Undertaking cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 *George Andrew, George Andrew the younger, Thomas Andrew, Robert Addison, James Bennet, William Barber, John Barber, William Barber junior, Robert Barber, John Bennett, Joseph Bennett, James Bosley, Joshua Bruckshaw, Charles Dain, Thomas Ellison, Joseph Hadfield, Moses Hadfield, Joseph Howard, Jesse Howard, William Hadfield, John Hadfield, Josiah Howard, William Kinder, John Kershaw junior, Robert Kershaw, Isaac Linney, Samuel Marsland, Henry Marsland of Best Hill, Henry Marsland of Stockport, Peter Marsland, Richard Matley, Samuel Olliver, Edmund Potter, Samuel Ridgway, William Robinson, George Robinson, John Rusby, Robert Shepley, Samuel Shepley, Francis Sumner, George Sidebottom, Joe Sidebottom, John Sidebottom, John Shepley, James Shaw, Joseph Syddall, John Vaudrey, Thomas Ward, James Wardlow, John Wood*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby declared to be One Body Politic and Corporate by the Name of "The Commissioners of the *Glossop Reservoirs*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

Appoint-
ment of new
Commis-
sioners.

II. And be it further enacted, That in case any Commissioner hereby appointed or hereafter to be appointed under or by virtue of this Act shall die, or desire to be discharged, or refuse or decline or become incapable to act as a Commissioner under this Act, then and in every such Case a new Commissioner shall be elected in his Room at an annual, extraordinary, or adjourned General Meeting of the Occupiers of the said tributary Streams and River, and of the Falls to be supplied with Water therefrom, to be constituted and convened in manner herein-after mentioned; and every such new Commissioner shall have the like Powers and Authorities in all respects to act as a Commissioner in the Execution of this Act as if he had been originally appointed a Commissioner in and by this Act, but none of the Powers hereby given to the said Commissioners shall be suspended or affected by reason of any Vacancy which may occur as aforesaid not having been filled up: Provided always, that at least One Half of the Number of the Commissioners for the Time being shall be Owners, in their own Right or in right of their Wives respectively, of some Part or Parts of the said tributary Streams or River, or the Falls supplied therefrom respectively.

Qualification
of Commis-
sioners.

III. And be it further enacted, That no Commissioner hereby appointed or to be appointed as aforesaid shall be capable of acting in the Execution of any of the Powers given in and by this Act (except in giving Notice of the First Meeting of the said Commissioners or in ad-

minis-

ministering the Declaration herein-after directed) unless he shall be an Occupier of a 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 of which it shall form a Part shall be Fifty Pounds at the least), and until he shall make and subscribe the Declaration following, which any such Commissioner is hereby empowered to take and subscribe; (that is to say,)

‘ I do 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 His Majesty King *William* the Fourth, intituled [*here insert 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.’ Declaration.

IV. And be it further enacted, That in case any Person shall (except as last aforesaid) act as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have made the said 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 His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, and that he has made such Declaration, or otherwise shall pay the 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 (except as aforesaid): 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 the said 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 the said Declaration according to the Directions of this Act: Provided also, that no Act or Proceeding of the said Commissioners shall be invalidated or affected by reason that One Half of their Number for the Time being may not be such Owners in their own Right or in right of their Wives respectively as aforesaid. Penalty for acting before making the Declaration.

Acts of Persons before Conviction to be good.

V. And be it further enacted, That the said Commissioners shall, within One Calendar Month 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 their said First Meeting shall be convened by public Advertisement in the *Manchester Guardian* and *North Derbyshire Chronicle* Newspapers, and by a Notice sent by the Post to every Commissioner hereby appointed; such Advertisement and Notice to be signed by any Two or more of the Persons hereby named as Commissioners, and to state the Time and Place of Meeting, and to be published and sent respectively Ten Days at least before the Time fixed for holding such Meeting. Time of holding First Meeting of Commissioners, and the Mode of calling same.

VI. And

Commis-
sioners to
appoint a
Treasurer,
Collector,
Clerk, Engi-
neer, &c.

VI. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint a Treasurer, Collector, and Clerk, and also such Engineers, Surveyors, or such other Officers as they shall think proper and expedient for the better carrying the Purposes of this Act into execution, and to give them such Salaries or Allowances as the said Commissioners may 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 of all such 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 appoint another or others in his Stead, as the said Commissioners shall think fit.

Clerk not to
act as Treas-
urer, nor
Treasurer as
Clerk.

VII. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk to the said Commissioners in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer to the said Commissioners for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer to the said Commissioners for the Purposes of this Act, or if any Person being the Partner of any such Clerk to the said Commissioners, or the Clerk or other Person in the Service or Employ of any such Clerk to the said Commissioners, or of his Partner, shall accept the Office of Treasurer to the said Commissioners, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or a Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk to the said Commissioners, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall for every such 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 His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Penalty on
Officers
taking Fees,
or being en-
gaged in
Contracts.

VIII. 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 exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other account whatever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said
Commis-

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, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

IX. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Commissioners shall be entered in a Book to be provided and kept for that Purpose, and shall be signed by the 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 and others.

Proceedings of Commissioners to be entered in a Book, and to be Evidence.

X. 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 Book such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Commissioners in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid, and such Books shall at all 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 such Occupier of the said tributary Streams, River, or Falls as under the Provisions hereinafter contained shall for the Time being be liable to be assessed to the Rates hereinafter authorized to be imposed, or would be so liable if the said Reservoirs hereby authorized to be made were then actually in use, 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 or shall not permit any such Commissioner, Occupier, or Mortgagee to inspect any such Book or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied or applied in the same Manner as other Penalties are hereinafter directed to be levied and applied.

Proper Books of Account to be kept, and open to the Inspection of every Commissioner, rated Occupier, and Mortgagee.

XI. And be it further enacted, That every Officer to be appointed under this Act shall, under his Hands at such Time and Time, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect 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 due from him to the said Commissioners, or to such Persons as they shall appoint; and if any such Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse and neglect to deliver up to the said Commissioners, or to such Person as they shall appoint, within Ten Days

Officers to account to Commissioners whenever required.

In case of Default, summary Proceedings authorized before a Justice.

after being thereunto required by the said Commissioners, 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 respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any of His Majesty's Justices of the Peace for the County, City, or Place where such Officers shall have last resided, or shall then reside, 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, 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 empowered to administer), it shall appear to such Justice that any of the Money that 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 and 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 shall commit such Offender to the Common Gaol or House of Correction for such County, City, or Place, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and 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 have delivered up such Books, Papers, 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 Term than Six 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 of Account or on the Case, or filing a Bill in Equity, or taking any other Proceedings, whether legal or equitable, civil or criminal, against such Officer or his Sureties or Securities, in order to compel the furnishing of such Account 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

Commitment of Officers not to exceed Six Calendar Months ; and such Commitment not to discharge Offender or his Sureties or Securities.

Recovery of any such Vouchers, Books, Papers, or Writings as aforesaid, on account of the Detention of withholding thereof.

XII. 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 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 deliver up to the said Commissioners or to any Person appointed by them all such Books, Accounts, Writings, and Papers; and in case of the Nondelivery thereof for the Space of Seven Days after Demand made thereof it shall be lawful for the said Commissioners to proceed in any of His Majesty's Courts of Record at *Westminster* against such Executors, Administrators, Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer, for the Recovery of Damages for the Nondelivery of such Books, Accounts, Writings and Papers, together with full Costs of Suit.

Recovery of Books from Executors, &c. of deceased Officers.

XIII. 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 cause a competent Number of Copies of every such Statement or Account to be printed, and One of such Copies to be laid before the Annual General Meeting of the Occupiers of the same tributary Streams, Rivers, and Falls, and also One of such printed Copies to be sent by the Post at least Fourteen Days before the Time appointed for the holding of such Annual General Meeting, to every Occupier who under the Provisions herein-after contained shall be qualified to attend and vote at such Annual General Meeting.

Commissioners to render Accounts annually.

XIV. And be it further enacted, That no Commissioner or Officer to be appointed under this Act shall be personally liable for any Contracts or Agreements which he may enter into in pursuance of this Act, nor for the Repayment of any Money which shall be borrowed under the Provisions herein-after contained, nor for any Penalties or Damages, Costs, or Expences which may be incurred in relation to the said Undertaking or imposed by this Act, except such Penalties, Damages, Costs, or Expences as shall be incurred by reason of his having himself acted in violation of any of the Provisions of this Act; nor shall any Commissioner be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for the Receipts, Accounts, or Omissions of the Treasurer, Clerk, or other Officer, nor for the Receipts or Accounts of any other Commissioner, but each Commissioner for his own Receipts and Accounts only.

Commissioners not to be personally liable except each for his own Default.

XV. And be it further enacted, That an Annual General Meeting of the Occupiers of the said tributary Streams, River, and Falls shall be held at the *Norfolk Arms* Inn at *Glossop* aforesaid on the First *Wednesday* in the Month of *July* next, and on the First *Wednesday* in every subsequent Month of *July*, or at such other Place and Time as shall be determined by

Mode of convening and holding annual General Meetings of rated Occupiers.

by a previous General Meeting of such Occupiers as aforesaid, and every such Annual General Meeting shall be convened by public Advertisement in One *Manchester* Newspaper and One *Derbyshire* Newspaper, and by Notice sent by the Post to every Occupier who under the Provisions herein-after contained shall be qualified to attend and vote at a General Meeting, such Advertisement and Notice to be signed by the Clerk of the said Commissioners, and to state the Time and Place of Meeting, and to be published and sent respectively Fourteen Days at least before the Time fixed for the holding of such Annual General Meeting.

Mode of convening and holding Extraordinary General Meetings.

XVI. And be it further enacted, That an Extraordinary General Meeting of the Occupiers of the said tributary Streams, River, and Falls may at any Time be called by the said Commissioners, or by any Five or more of the Occupiers who under the Provisions herein-after contained, shall be qualified to attend and vote at a General Meeting, and every such Extraordinary General Meeting shall be convened by Advertisement in One *Manchester* Newspaper and One *Derbyshire* Newspaper, and by Notice sent to every such Occupier as aforesaid, such Advertisement and Notice to be signed by any Two or more of the Commissioners, or by such Five Occupiers as aforesaid, and to state the Object of such Extraordinary General Meeting, and the Time and Place of meeting, and to be published and sent respectively Fourteen Days at least before the Time fixed for the holding such Extraordinary General Meeting.

Annual or Extraordinary General Meetings may be adjourned.

XVII. And be it further enacted, That every such Annual and Extraordinary General Meeting of Occupiers may adjourn from Time to Time and from Place to Place as may be found expedient, and all such Matters and Things as might have been transacted or done at any such Annual or Extraordinary General Meeting may be transacted or done at such adjourned General Meeting.

Occupiers rated or liable to be rated alone entitled to attend such Meetings and to vote.

XVIII. And be it further enacted, That the only Persons who shall be entitled to attend and vote at the said Annual, Extraordinary, and adjourned General Meetings of Occupiers shall be the Persons who under the Provisions herein-after contained shall for the Time being be liable to be assessed to the Rates herein-after authorized to be imposed, or would be so liable if the Reservoirs hereby authorized to be made were then actually made and in use.

No Occupier to vote if in arrear with his Rate.

XIX. And be it further enacted, That after the said Reservoirs hereby authorized to be made shall be actually in use no Person shall be entitled to attend and vote at the said Annual, Extraordinary, and adjourned General Meetings of Occupiers, unless he shall have actually paid and satisfied all the Rates, if any, which shall for the Time being have been assessed upon him under or by virtue of this Act, if Payment thereof shall have been demanded of him by the Collector or other Person authorized by the said Commissioners to demand and receive the same.

Each Occupier to have One Vote for every 10*l.* which he shall pay as a Rate.

XX. And be it further enacted, That at every Annual, Extraordinary, and adjourned General Meeting of Occupiers every Occupier for the Time being qualified to attend and vote at such Meeting shall be entitled to a single Vote only if he is rated at less than Ten Pounds *per Annum* for the Fall of Water which such Occupier shall use and enjoy, but shall be entitled

to One Vote for every Ten Pounds at which he shall be rated if such Rate shall amount to Ten Pounds or upwards: Provided always, that when any Part of the said tributary Streams, River, or Falls shall be in the joint Occupation of Two or more Persons, whether as Partners, Joint Tenants, Tenants in Common, or Copartners, they shall together be considered as One Occupier only, and one of such Partners, Joint Tenants, Tenants in Common, or Copartners only shall be entitled to vote at such Meeting, and that in the Name of the Firm of which he is a Member.

XXI. Provided always, and be it further enacted, That at every Annual, Extraordinary, or adjourned General Meeting of Occupiers One of the Occupiers present and qualified to vote shall be appointed Chairman, and such Chairman shall not only have a Vote or Votes as an Occupier, but shall also in case of any equal Division have the decisive or casting Vote; and 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.

A Chairman to be appointed at each Meeting, and to have a casting Vote.

XXII. And be it further enacted, That in case at the Time of convening the Annual General Meeting of Occupiers in any Year any such Vacancy as aforesaid in the Number or Body of the said Commissioners shall have occurred, and no Extraordinary Meeting of Occupiers shall have been convened for the Purpose of filling up the same, the Clerk of the said Commissioners shall state such Vacancy in the Advertisement and Notice convening such Annual General Meeting, and that the Election of a new Commissioner for the Purpose of filling up such Vacancy will take place at such Annual General Meeting, and such Election shall take place accordingly.

If any new Election of Commissioners take place at an Annual General Meeting, the Notice convening same to state it especially.

XXIII. And be it further enacted, That for effecting the several Purposes and Provisions of this Act it shall be lawful for the said Commissioners and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Messuages or Tenements, Lands or Hereditaments, with any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or with 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 Person entitled in Reversion, Remainder, or Expectancy after him, if incapacitated, for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person, 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, or with any other Person whomsoever who shall be willing to sell the same, or his Right and Interest in the same, for the Purposes of this Act; and upon Payment of such Purchase Money for any such Messuages or Tenements, Lands or Hereditaments, 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 Messuages or Tenements, Lands and Hereditaments may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whom-

Power to contract for the Purchase of Lands and Buildings.

soever shall be divested of all Right and Title, Claim, or Reversion to such Messuages or Tenements, Lands or Hereditaments; and the same Messuages or Tenements, Lands or Hereditaments, shall vest in "The Commissioners of the *Glossop* Reservoirs;" and it shall be lawful for the said Commissioners to hold any such Messuages or Tenements, Lands and Hereditaments, 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 whatever.

Incapacitated and other Persons authorized to sell to the Commissioners.

XXIV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever with whom the said Commissioners are herein-before authorized to treat, contract, and agree for the absolute Purchase of any Messuages or Tenements, Lands or Hereditaments, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the Commissioners, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,)

Form of Conveyance.

‘ I of in con-
 ‘ sideration of the Sum of to be paid by
 ‘ “The Commissioners of the *Glossop* Reservoirs,” do hereby in pursuance
 ‘ and by virtue of the Power in that Behalf contained in an Act passed
 ‘ in the Seventh Year of the Reign of His Majesty King *William* the
 ‘ Fourth, intituled [*here insert the Title of this Act*], grant, release, assign,
 ‘ and confirm unto the said Commissioners all [*here insert the proper De-*
 ‘ *scription of the Messuages or Tenements, Lands or Hereditaments, intended*
 ‘ *to be conveyed*], and all my Estate and Interest therein; to hold unto and
 ‘ to the Use of the said Commissioners and their Successors for ever,
 ‘ 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
 ‘ in the Year of our Lord

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 of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Commissioners to make Conveyances.

XXV. And be it further enacted, That for carrying into effect the several Authorities hereby given to the said Commissioners it shall and may be lawful for them, by Deed or Deeds under the Common Seal, to make all such Contracts, Grants, Conveyances, and Leases as the Circumstances of the Case may require; and all such Contracts, Grants, Conveyances, and Leases shall be valid and effectual, any thing in this Act contained, or in 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 raised or made payable by way of Rent or otherwise in any such Contract, Lease, or Conveyance, 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 other Assignee

or Assignees shall be answerable or accountable for any Loss, Misapplication, or Nonapplication of any such Money, or any Part thereof.

XXVI. And be it further enacted, That all Sums of Money which under any of the Provisions herein-before contained shall be had, received, and taken by the said Commissioners as the Consideration for any such Sale as aforesaid, or for any Supply of Water, or by way of Rent, Rate, or Duty, shall be applied by the said Commissioners for the same or for the like Purposes as the Money to arise from the Rates by this Act authorized to be raised is herein-after directed to be applied.

All Purchase and other Monies received by the Commissioners to be applied as the Rates.

XXVII. And be it further enacted, That if any Money shall be agreed to be paid for any Messuages or Tenements, Lands or Hereditaments, 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 Persons under any Disability or Incapacity as herein-before 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 *Glossop* 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 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 signed by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Messuages or Tenements, Lands or Hereditaments, in the Purchase 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 Messuages or Tenements, Lands or Hereditaments, or affecting other Messuages or Tenements standing settled therewith to to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Hereditaments, which shall be conveyed to, upon, and for such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages or Tenements, Lands or Hereditaments, which shall be so purchased, taken, or used as aforesaid 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, and 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 of the said

Application of Purchase Money payable to incapacitated Persons exceeding 200*l*.

1 G. 4. c. 35.

said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the said Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application thereof when under 200*l.* and above 20*l.*

XXVIII. And be it further enacted, That if any Money so agreed to be paid for any Messuages or Tenements, Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under Disability or Incapacity, as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Messuages or Tenements, Lands or Hereditaments so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, 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 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 Party making such Option and approved of by the said Commissioners, such Nomination and Approbation to be signed 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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 20*l.*

XXIX. And be it further enacted, That when such Money so agreed to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Messuages or Tenements, Lands or Hereditaments 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 Infancy or Lunacy, then to his Guardian or Committee, to and for the Use and Benefit of such Person so entitled respectively.

In case of doubtful Title, Dividends of Money paid into the Bank to be paid to the Person last in Possession.

XXX. And be it further enacted, That where any Question shall arise touching the Title of any Person 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 of or in satisfaction for or for any Damage to be done to any Messuages or Tenements, Lands or Hereditaments, or of or for or to any Estate, Right, Title, or Interest in any Messuages or Tenements, Lands or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Persons who shall have been in the Possession of such Messuages or Tenements, Lands or Hereditaments at the Time of such Purchase by the said Commissioners, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Messuages

suages or Tenements, Lands or Hereditaments, 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 Person was lawfully entitled to such Messuages or Tenements, Lands or Hereditaments, or to some Estate or Interest therein.

XXXI. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, upon the Site of any Messuages or Tenements, or upon any Lands or Hereditaments which shall have been purchased and paid for by them under the Authority of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, upon the upper Part of the said tributary Streams called the *Shelf Brook*, the *Hurst Brook*, and the *Chunal Brook*, Three competent and sufficient Reservoirs, to be called the *Shelf Reservoir*, the *Hurst Reservoir*, and the *Chunal Reservoir*, with proper Roads and Approaches to and from the same, for the Purpose of providing a more regular Supply of Water in the aforesaid tributary Streams and River, and to construct proper and substantial Embankments, and also to supply the said Reservoirs with Water by means of the said tributary Streams; and also to make, form, erect, and construct, in, upon, or near the said Reservoirs, such Flood Gates, Spill Waters, Weirs, Dams, Banks, Embankments, Drains, Sluices, and other Works as the said Commissioners shall think necessary for providing and securing a regular Supply of Water in the said tributary Streams and River, and for allowing the Escape of the Waters, and for the Security, Repair, and Maintenance of the said Reservoirs and other Works; and also to erect and build in some convenient Situations near the said Reservoirs and other Works, and at all Times thereafter to keep in good Repair, a House or Houses and other necessary Buildings for the Habitation of a Person or Persons to be from Time to Time appointed by the said Commissioners as Superintendent or Superintendents to the said Reservoirs and other Works, and such Person so to be appointed shall always be a Resident close to the said Reservoirs and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the said Commissioners) to superintend and regulate the Supply of Water in the said Streams and River, and by means of the said Reservoirs, Flood Gates, and other Works to keep up and maintain a uniform Supply of Water for the said Streams and River.

Power for Commissioners to make and maintain Reservoirs, Conduits and Works, and to erect Houses for Superintendents.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to sell and dispose of, either by public Auction or private Contract, and by Indenture under their Common Seal to grant and convey, or direct to be granted and conveyed, by way of absolute Sale in Fee Simple for a Consideration in Money, all or any Part of any Messuages or Tenements, Lands or Hereditaments purchased by or belonging to the said Commissioners, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale of such Messuages or Tenements, Lands or Hereditaments, or of any Part thereof, it shall be lawful for the Treasurer for the Time being to the

Sale of Lands not wanted.

[Local.]

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said

said Commissioners to sign and give a Receipt for the Money for which the same shall be sold, which Receipt shall be a sufficient Discharge to any Person for the Money therein and thereby expressed or acknowledged to be received ; and such Person, having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that every such Sale as aforesaid shall be made within the Period of Ten Years from the Time that such Land shall cease to be so wanted ; and in case such Sale shall not be made within the said Period of Ten Years, such Land shall go and belong to the Owner of the next adjoining Land, not being the said Commissioners.

Power for
Commis-
sioners to
levy Rates.

XXXIII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That One or more Rate or Rates shall be made, levied, or assessed by the said Commissioners at yearly or half-yearly Periods, if they shall think necessary, upon all Persons who shall occupy as herein-after mentioned any Part of the said tributary Streams, between their Exit from the said intended Reservoirs and their Junction with the said River called the *Etherow* otherwise the *Mersey*, or shall occupy as herein-after mentioned any Part of the said River called the *Etherow* otherwise the *Mersey* between the Place of its Junction with the said tributary Streams as aforesaid and its Junction with a certain River called the *Goyt*, or shall occupy as herein-after mentioned any Part of the said River called the *Etherow* otherwise the *Mersey* between the Place of its Junction with the said River *Goyt* and its Junction with another certain River called the *Tame* at or near the Borough Town of *Stockport* in the County Palatine of *Chester*, or shall occupy as herein-after mentioned any Fall which shall be supplied with Water from the said tributary Streams and River, or any of them ; but which said Rates shall nevertheless be made, levied, and assessed upon the said Persons now occupying as aforesaid or hereafter to occupy any Fall of Water upon the said tributary Streams and River in the Manner and according to the Proportions following ; (that is to say,) a full Rate upon all such Persons now occupying or hereafter to occupy any Fall upon the said tributary Streams ; and upon all Persons now occupying or hereafter to occupy any Fall upon the said River *Etherow* or *Mersey*, from its Junction with the said tributary Streams to its Junction with the said River *Goyt*, Two Thirds of a full Rate ; and upon all Persons now occupying or hereafter to occupy any Fall upon the said River *Mersey* or *Etherow*, between its Junction with the said River *Goyt* and the said River *Tame* at or near the Borough Town of *Stockport* aforesaid, One Fourth of a full Rate.

Separate
Rates to be
laid for each
Reservoir,
and separate
Accounts to
be kept.

XXXIV. Provided always, and be it further enacted, That separate Rates in the Proportions herein-before mentioned shall be made, levied, and assessed by the said Commissioners for or in respect of the said Reservoirs hereby authorized to be made, and separate and distinct Accounts shall be kept of all Monies secured, paid out, and expended by the said Commissioners on account of each of the said Reservoirs, and the said Rates so made, levied, and assessed shall be applied towards or on account of the Expences attending the Reservoir, for or in respect of which such Rates are or shall become payable.

XXXV. Pro-

XXXV. Provided always, and be it further enacted, That where any Two or more Persons shall be concurrent Occupiers for any such Purpose as aforesaid of any Part of the said tributary Streams 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 on the Subject) be determined by impartial Surveyors to act as Referees, one to be chosen by each of such Occupiers; and thereupon it shall be lawful for such Referees, and they are hereby required before they shall proceed to the Inquiry, to appoint, by Writing under their Hands, another Surveyor to be Umpire in case any Difference of Opinion shall arise between such Referees, and the Expences of such Apportionment shall be borne by such Persons in the Proportions on which they shall respectively be determined to be liable to be assessed to the said Rates; and in case any of such Persons shall refuse or omit, for the Space of Two Calendar Months after Notice for that Purpose given or sent to him by the other or others of such Persons, to appoint a Surveyor on his Behalf, it shall be lawful for the Surveyor or Surveyors appointed on behalf of the other or others of such Persons to appoint another Surveyor to act on behalf of the Persons so refusing or omitting as aforesaid, and the Surveyor so last appointed shall be as competent to act in all respects as if he had been appointed by the Person so refusing or omitting as aforesaid: Provided always, that the Rate or Rates, Assessment or Assessments to be made in pursuance of the Determination of such Referees or Umpire 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 Commissioners shall be at liberty to assess the whole of the Rate in respect of the Part of the said Streams or River, or the Fall thereof, or the Water derived therefrom, so concurrently occupied, upon either of the Persons so occupying the same, or upon both of them, in such Proportion as the said Commissioners shall judge proper.

Provision for concurrent Occupiers of Falls.

XXXVI. And be it further enacted, That each of such concurrent Occupiers shall, for the Purpose of attending and voting at General Meetings, and in all other respects, be considered as an Occupier of the Fall of Water bearing to the whole Height of the Fall of Water so concurrently occupied the same Proportion which his proportional Assessment with the said Rates under the Provisions aforesaid shall bear, or, if the said Rates had actually commenced, would bear, to the aggregate Assessment for the whole Fall so concurrently occupied.

Regulating the Votes of concurrent Occupiers.

XXXVII. Provided always, and be it further enacted, That no Rate or Rates to be levied or assessed as aforesaid shall exceed in any One Year the Sum of Fifty Shillings for every Foot of Fall hereby made liable to be rated as aforesaid, except when necessary to provide for the Interest of any Sum or Sums of Money which may be borrowed for any Damages arising from the breaking down of the said Embankments as herein-after mentioned: Provided also, that in case any Part of the said tributary Streams or River or Fall thereof, or any Water derived therefrom, 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

Rates assessed in any One Year not to exceed 50s. per Foot of Fall.

If Fall occupied for any Part of a Year, to be assessed for the whole.

and

and in every such Case the same shall continue liable to be assessed as aforesaid during the whole of the then current Year, such Year commencing on the First Day of *August* and ending on the Thirty-first Day of *July*, 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 employed or applied as aforesaid.

No Rate to be assessed before Reservoirs actually in use.

XXXVIII. Provided always, and be it further enacted, That no Rate shall be levied or assessed under the Provisions herein-before contained, until the said Reservoirs shall be actually made and in use, and Water supplied therefrom.

Commissioners to appoint Persons to survey and ascertain the Height of Falls, and Degree of Benefit, &c.

XXXIX. 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 Mill 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 several Streams, Rivulets, or Brooks and Rivers, and to measure and ascertain the Height of the Falls existing thereon respectively, and to determine the Levels of the said several Streams, Rivulets, or Brooks, and Rivers or Falls respectively, and to inquire into and ascertain, and (according to the Number, Power, or Capacity of any Engines, Wheels, or Machinery of the Mills, Factories, and Premises using the Water or any such Falls, Streams, Rivulets, Brooks, and Rivers) to determine the relative Degree or Proportions of the Benefit and Advantage which such Mills, Factories, and Premises receive or shall at any Time hereafter receive therefrom or thereby, 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 to the Degree or Proportion of Benefit and Advantage which is or shall at any Time hereafter actually be received by the Occupiers of such respective Mills, Factories, and Premises from the Use of such Waters or any of them; 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 Streams, Rivulets, or Brooks, and Rivers respectively.

Surveyor to certify to the Commissioners.

XL. And be it further enacted, That the Inspector or Inspectors, Surveyor or Surveyors to be appointed and employed as aforesaid, shall make such Inspection, Survey, Measurement, Inquiry, and Determination in the several Matters aforesaid, or such of them as shall from Time to Time be required by the said Commissioners to be made, and shall report upon such Matters, and certify and declare his or their Determination upon the same to the said Commissioners by Writing under his or their Hand or Hands; and such Certificate or Declaration in Writing of such
Inspector

Inspector or Inspectors, Surveyor or Surveyors shall be exhibited to and signed in the Presence of some Justice of the Peace for the said County of *Derby* by such Inspector or Inspectors or Surveyor or Surveyors, and shall be certified by such Justice to have been so signed; and being so signed and certified shall, until made void in consequence of any Determination of any Referees or Referee as herein-after mentioned, be good, valid, and effectual Authority to the said Commissioners (in making such Rates or Assessments) for assessing and levying such Rates or Assessments according to the Proportions certified and declared in such Report.

XLI. Provided always, and be it further enacted, That in case at any Time or Times after the making of any Rate or Assessment in pursuance of this Act, any Occupier or Occupiers rated or assessed by virtue of this Act shall think himself or themselves over-rated or required to contribute in an undue Proportion to the Rates or Assessments made by the said Commissioners, or shall think that such Rates have been assessed in an undue Proportion relatively to the Degree of Benefit or Advantage derived from the Use of such Waters by the several Parties or any of them rated in respect thereof, it shall be lawful for any such Occupier to give Notice thereof in Writing to the said Commissioners or their Clerk, and specifying in such Notice the Christian and Surname and Designation of some Person (not being Owner or Occupier of any Mill or Works rated or liable to be rated or assessed by virtue of this Act) whom he or they shall appoint to act as Referee on his or their Behalf for inquiring into and ascertaining the actual Degree of Benefit or Advantage received or derived by him or them from the Use of such Water relatively to the Degree of Benefit or Advantage received or derived by all or any of the other Occupiers of Falls or Mills from the Use of such Waters; and thereupon the said Commissioners or their Clerk shall, within Thirty Days after Service of such Notice, nominate and appoint some Person (not being Owner or Occupier of any Mill or Works rated or liable to be rated or assessed by virtue of this Act) to be Referee on behalf of the said Commissioners, and shall also within such Period of Thirty Days give Notice in Writing of such Appointment, specifying the Christian and Surname and Designation of the Person so appointed, to the Occupier or Occupiers from whom such first-mentioned Notice shall have been received, by leaving the same with some Inmate of his Mill or of his Place of Residence; and thereupon it shall be lawful for such Two Referees and they are hereby required, before they shall proceed to the Inquiry, to appoint by Writing under their Hands some Third Person (not being Owner or Occupier of any Mills or Works rated or liable to be rated or assessed by virtue of this Act) to be Umpire in all Cases where any Difference of Opinion shall arise between such Referees; and it shall be lawful for such Two Referees, or for One Referee alone (in case both Parties shall have appointed or agreed upon one and the same Person to be the Referee for each of such Parties), to proceed to inquire into and ascertain by such Ways and Means and in such Manner as such Two Referees or Umpire, or such One Referee alone (as the Case may be), shall think proper, the relative Degrees of Benefit or Advantage received or derived by the Occupier or Occupiers complaining as aforesaid, and by any other Parties assessed or liable to be assessed to such Rates or Assessments, and for such Purposes such Two Referees and Umpire, or such One Referee alone (as the Case may be), shall be and

Provision in case Parties think themselves over-rated, &c.

[*Local.*]

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are

are hereby invested with all and every the same Powers and Authorities as are by this Act given to any Persons appointed Inspectors or Surveyors by the said Commissioners; and such Two Referees or Umpire, or such One Referee alone (as the Case may be) shall determine the Matter in dispute, and fix the Amount of Rate which the Occupier or Occupiers complaining shall pay or be liable to pay under the Circumstances so inquired into, and the Proportion of the Rate payable under such Circumstances by other Occupiers assessed to the same Rate; and in all Cases where such Two Referees shall differ in Opinion on any Matter or Question arising pending such Inquiry and Ascertainment, or on the Determination thereof, the Matter or Question in Difference shall be settled by such Umpire; and the Determination of such Two Referees or Umpire, or of such One Referee alone, (as the Case may be,) respecting such Degree of Benefit or Advantage, and the Amount of the Rate to be payable, shall be reduced into Writing and signed by the Person or Persons making the same, and such Writing shall be delivered to the said Commissioners or their Clerk, and such Determination shall be final, binding, and conclusive upon the said Commissioners, and upon the Occupier or Occupiers so complaining, and also upon all Occupiers of Mills or Works rated by virtue of this Act; and the said Commissioners shall or may collect or levy and recover such Rates according to such Determination, and not otherwise; and in case either or both of the Referees who shall be appointed as aforesaid shall die or refuse to act, or become incapable of acting before the Matter of Reference shall be determined, then some other Person (not being Owner or Occupier of any Mills or Works rated or liable to be rated or assessed by virtue of this Act) shall, within Fourteen Days after such Death, Refusal, or Incapacity shall be known, be nominated and appointed (by the Person or Party by whom the Referee so dying, refusing, or becoming incapacitated was appointed) to be a Referee in the Place or Stead of the Referee so dying, refusing, or becoming incapacitated, and such new Referee shall have and be invested with the same Powers in all respects as the Referee in whose Place or Stead he shall be appointed had or was invested with; and in case the said Commissioners shall refuse or neglect to make such Appointment of a Referee, or to give such Notice within Thirty Days after Service of such first-mentioned Notice from the Occupier complaining as aforesaid, or within Fourteen Days after the Death, or Refusal or Disability to act of any Referee appointed by them shall be known, (as the Case may require,) then and in any such Case it shall be lawful for the Referee appointed by the Occupier complaining as aforesaid, and whose Name shall be specified in such Notice as aforesaid, alone to proceed in such Inquiry and Ascertainment, and also alone to determine the Matter of the Inquiry, and the Amount and Proportion of Rate as aforesaid, and also alone to sign such Determination, and to deliver the same to the said Commissioners or their Clerk; and such Determination shall be final, binding, and conclusive upon the said Commissioners, and upon the Occupier or Occupiers so complaining, and also upon all Occupiers of Mills or Works rated by virtue of this Act; and the said Commissioners shall or may collect or levy and recover such Rates according to such Determination, and not otherwise.

Appointing
new Umpire
in case of
Death.

XLII. Provided always, and be it further enacted, That in case the Person who shall be appointed Umpire by any such Referees as aforesaid shall

shall die, or refuse to act or become incapable of acting as such Umpire, some other Person, not being Owner or Occupier of any Mill rated or liable to be rated or assessed by virtue of this Act, shall be appointed Umpire in his Stead by the Referees aforesaid, before they shall proceed any further in such Inquiry; and such new Umpire shall have and be invested with the same Powers as the Umpire in whose Place or Stead he shall be appointed had or was invested with.

XLIII. And be it further enacted, That if any Person rated as aforesaid shall for the Space of Ten Days after Demand made in Writing on him by the Collector or Receiver of Rates, either in Person or left at the Mill, Machinery, Manufactory, or other Works in respect of the Fall of Water supplying 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 herein contained, it shall be lawful for such Collector or Receiver, or any other Person authorized by virtue of any Warrant under the Common Seal of the said Commissioners, which Warrant such Commissioners are 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 Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale.

Power of
Distress in
case of Non-
payment of
Rates.

XLIV. And whereas certain Persons occupying as aforesaid Parts of the said tributary Streams and River and the Falls thereof allege that their present Supply of Water from the said tributary Streams and River is sufficient for the Purposes of their respective Works "in all Seasons," and on that Account claim to be exempted from such Rates as aforesaid; be it therefore further enacted, That all such Occupiers as aforesaid whose present Supply of Water from the said tributary Streams or River be sufficient at all Times for the Purposes of their Work respectively shall be exempt from any Rate or Rates to be imposed under this Act in respect of such Part of the said tributary Streams or River and the Falls thereof respectively occupied by them, on account whereof such Exemption shall be justly claimed as aforesaid, but so long only as more than the usual Supply of Water from the said tributary Streams or River shall not be required at such Works respectively, and until the additional Supply to be derived from the said Reservoirs or any of them shall be used at such Works respectively; and for ascertaining the present and future Supply of Water used by the Person or Persons claiming such Exemption as last aforesaid it shall be lawful for the said Commissioners, and they are hereby empowered, if they shall think fit, to cause Gauges to be fixed and maintained in proper Situations, at or near the Place or Places respectively where the Water of the said Streams or River shall be diverted, taken, or used by the Person or Persons claiming such Exemption as aforesaid, and also at or near the said Reservoirs, and for the Purpose of fixing, keeping in repair, and examining such Gauges respectively the said Commissioners, their Engineers, Servants, and Workmen, are hereby authorized and empowered from Time to Time to enter upon the Lands and Works of the Person or Persons claiming such Exemption as aforesaid, doing as little Damage as may be, and making Compensation for all

Certain Per-
sons ex-
empt from
Rates.

Damage,

Damage, if any, done thereby; and all such Gauges shall be fixed and maintained at the Expence of the said Commissioners: Provided always, that no such Claim of Exemption shall be allowed unless Notice thereof in Writing, signed by the Person or Persons respectively making the same, be given to the said Commissioners within Six Calendar Months from the passing of this Act.

For supplying
Deficiencies
in the Land
Tax.

XLV. And whereas by reason of taking down Messuages, Tenements, or Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for the Land Tax in the several Townships through which the said Reservoirs or other Works will pass and be situate; be it therefore enacted, That for preventing the same the said Commissioners shall from and after the said Commissioners shall become seised or possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Tax (unless the said Commissioners shall redeem the same), be subject and liable to pay, to or in aid of the said Townships, out of the Monies to arise by virtue of this Act, all such Money as shall be deficient in the said Assessments for Land Tax within the said Townships by reason of taking down or using for the Purposes of this Act any Messuages, Tenements, or Buildings liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the said Commissioners are hereby required to pay all such Assessments, on Demand, to the Collector or Collectors of the Land Tax Assessments accordingly.

Application
of Rates.

XLVI. And be it further enacted, That the Sums of Money to be rated, assessed, and imposed, raised, levied, and received by the said Commissioners by virtue of this Act, shall be applied, in the first place, in Payment of all the Costs, Charges, and Expences attending and incident to the applying for and passing of this Act, and in the next place in paying from Time to Time the Interest of the Principal Money to be borrowed by the said Commissioners in virtue of the Powers herein-after contained, and in carrying into execution the several Purposes of this Act, and the Residue thereof shall from Time to Time be applied in paying off the Principal Money so to be borrowed by the said Commissioners.

Power to
borrow not
exceeding
Fifteen thou-
sand Pounds
on Security
of the Rates.

XLVII. And for the more speedily raising Money for carrying the 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 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, to be applied in or towards making or maintaining the said intended Reservoirs and Works, 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, or any Part or Proportion, Parts or Proportions thereof, as a Security to any Person or Persons who shall advance such Sum or Sums of Money, or to his or their Trustee or Trustees, and his or their respective Executors, Administrators, and Assigns, for the Principal Money 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 Common Seal of the said Commissioners duly stamped, in which the Consideration for such Mortgage shall be truly specified, and the same may be in the Form or to the Effect following; (that is to say,)

‘ **B**Y virtue of an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], We, “The Commissioners of the *Glossop* Reservoirs,” incorporated by virtue of the said Act, in consideration of the Sum of _____ to us paid by _____ of _____ in the County of _____ do hereby assign unto the said _____ 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 _____ Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____ in the Year _____.

Form of Mortgage.

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 or Books to be kept for that Purpose by the said Commissioners, which Book or Books shall or may at all seasonable Times be perused and inspected without Fee or Reward by any Person interested therein.

XLVIII. And be it further enacted, That any 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 and may be made by a Deed in Writing duly stamped, in which the Consideration for such Transfer shall be truly specified, and the same may be in the Form or to the Effect following; (that is to say,)

Mortgages may be transferred.

‘ **I** _____ in consideration of the Sum of _____ to me paid by _____ do hereby transfer the within Mortgage [or a certain Mortgage made to me by “The Commissioners of the *Glossop* 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 _____ Day of _____ in the Year _____.

Form of Transfer.

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 Thirty Days next after the Date thereof, be produced and notified to the Clerk of the said Commissioners, who

[Local,]

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shall

shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, such Memorial to contain the Dates, the 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 Money thereby secured; and such Assignee may in 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.

For compelling Payment of Subscriptions.

XLIX. 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, or 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 Persons 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 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 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 Twenty-one Days next following, the said Commissioners are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Person so neglecting or refusing as aforesaid, his Executors or Administrators, in any of His 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 Execution shall issue thereupon, as the Case may require.

Persons advancing Money towards Expences of obtaining the Act to be repaid.

L. And be it further enacted, That if any of the Persons interested in the Premises or any other Person shall advance and pay any Sum of Money in discharge of the Fees or Expences of obtaining this Act and executing and forwarding the same, the Monies so paid and advanced shall be repaid and satisfied by the said Commissioners, together with lawful Interest for the same, out of the first Monies to come into the Hands of the said Commissioners by virtue of this Act.

Punishment of Persons wilfully injuring the Embankment or other Works.

LI. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking and the Lands and Works affected thereby, demolish, break down, cut, or injure any Reservoir, Embankment, Conduit, Feeder, Sluice, Weir, Erection, Building, or other Work to be made or erected by virtue of this Act, every Person so offending, being lawfully convicted of any such Offence, shall be

be subject and liable to the like Pains and Penalties to which Persons shall be liable in Cases of Simple Larceny.

LII. And be it further enacted, That if any Person shall sustain any Damage in his Land or Property by reason of the Execution of any of the Powers given by this Act, or by reason of the breaking down of the said 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 His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlançe, shall be allowed.

Compensation for Damages.

LIII. And be it further enacted, That in order the better to enable the Commissioners to provide for the Payment of any Damages which may arise or become payable by reason of the breaking down of the said Embankments or any of the Works hereby authorized to be made, it shall be lawful for the said Commissioners, in case the Amount of such Damages shall not be otherwise raised and paid by them, and they are hereby required, to borrow and take up at Interest in such Manner as they shall think proper upon the Credit as well of the Rates to be raised and levied by them by virtue of this Act as of the Land to be purchased by them and the Works to be erected by them under the Powers herein contained, but without Prejudice to any prior Mortgage or Mortgages, such additional Sum or Sums of Money over and above the said Sum of 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 like Form and transferrable in like Manner as is herein-before provided respecting the Securities for the said Sum of Fifteen thousand Pounds; and in order to provide for the Payment of the Interest of such additional Sum or Sums so to be borrowed as aforesaid One or more additional Rate or Rates shall be made, levied, and assessed by the said Commissioners in manner aforesaid, sufficient to pay and to be applied in the Discharge of such Interest.

Power to borrow an additional Sum of Money for repairing Damages.

LIV. And be it further enacted, That where any Damages or Charges are 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 the same, shall be settled and determined by the Justice of the 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.

Damages and Charges, in case of Dispute, to be settled by Justices.

LV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace

Mode of recovering Damages

directed by
Justice of the
Peace to be
paid by Com-
missioners.

Peace 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 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 Ten Days after Demand in Writing shall have been made from the said Commissioners in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice 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, or of the Goods and Chattels of their Treasurer for the Time being under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him 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 the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

Justices may
proceed by
Summons for
the Recovery
of Penalties.

LVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Recovery and
Application
of Penalties.

LVII. And be it further enacted, That all Complaints and Informations of and for Offences against this Act (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed) shall and may be made before One Justice of the Peace for the said County of *Derby*, 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 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 County of *Derby*, 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 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, and not directed to be otherwise applied, shall be paid One Moiety to the Informer and the Remainder to the said Commissioners, to be by them applied to and for the Purposes of this Act, 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.

LVIII. 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, Feeder, or other Works 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 County of *Derby*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

For securing
transient
Offenders

LIX. 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.

[*Local.*]

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BE

‘ *Derby* } BE it remembered, That on [Time to Conviction] at [Place of
 ‘ to wit. } 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
 ‘ the Statute made in the Seventh Year of the Reign of His Majesty
 ‘ King William the Fourth, intituled [here set forth the Title of this Act],
 ‘ and I [or we] do therefore declare 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 Im-
 ‘ prisonment] (as the Case may be). Given under my Hand and Seal
 ‘ [or our Hands and Seals] the Day and Year first above written.’

Distress not
unlawful for
Want of
Form.

LX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act 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.

Proceedings
not to be
quashed for
Want of
Form.

LXI. And be it further enacted, That no Proceedings to be 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 Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Penalty on
Witness not
appearing.

LXII. And be it further enacted, That if any Person who shall 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 on 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.

Officers un-
der this Act
not to be
incompetent
Witnesses.

LXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or respecting any Matter or Thing relating to the said Undertaking, no Person acting by or under the Authority of the said Commissioners or in the Service of the said Commissioners shall for that Reason alone be in any Manner disqualified or incapable from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

LXIV. And

LXIV. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions and Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners, or other Proceedings in or consequent upon or arising out of any such Actions, 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, and 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 or 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 Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in any 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, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were under the Seal of the said Commissioners.

Commissioners authorized to execute Releases to Witnesses, &c.

LXV. 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 Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Penalty on Persons giving false Evidence.

LXVI. Provided always, and be it further enacted, That any Person thinking himself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Order, or Bye Law of the said Commissioners, or by any Rate, Assessment, or Distress made by or under the Direction of the said Commissioners, or by the Order or Judgment of any Justice of the Peace in pursuance of this Act, may, within Six Calendar Months after such Judgment, Rate, Assessment, or Distress shall be made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing first giving at least Ten Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person appealed against, or to the Clerk of the said Commissioners (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County in which the said Cause of Appeal shall arise, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices upon due Proof, of such Notice and Recognizance having been entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if they think proper may adjourn the hearing thereof until the next General or Quarter Sessions of the Peace, and if they see Cause may mitigate any Penalties or Forfeitures, and alter any Assessment, and may order any Money to be returned which shall have

Appeal in certain Cases.

been

been levied in pursuance of such Order, Judgment, or Assessment, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper ; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Justices may amend Rate, or quash the same.

LXVII. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General or Quarter Sessions of the Peace for the said County of *Derby* shall and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment : Provided always, that if the said Court shall be of opinion that it is necessary for the Purpose of giving Relief to the Person appealing that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

No Action to be commenced against any Person acting under the Authority of this Act without Notice.

LXVIII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done or omitted to be done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant or left at his last or usual Place of Abode Twenty-eight Days before such Action shall be 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 said 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.

Limitation of Actions.

LXIX. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid or brought in the

the County where the Matter or Dispute shall arise, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may, at his Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant; and in such Case also, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of his Action, Suit, or Information, after the Defendant shall have appeared thereto, or if any Verdict shall pass against the Plaintiff, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have Costs, and shall have such Remedy for the Recovery of the same as any other Defendant hath in other Cases at Law.

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

Notices how
to be given
to Commis-
sioners.

LXXI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Commissioners to give any Notice or to make any Requisition upon any Person whomsoever, or to publish any Advertisement, such Notice, Requisition, or 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 Company, or to be made under any Authority authorized by such Common Seal.

Notices to
be given by
Commis-
sioners.

LXXII. And whereas the said Reservoirs, Embankments, Conduits, and other Works may be more safely and securely made and completed if the Works hereby authorized be carried into execution are done at Intervals of Time, so as to enable the said Embankments and other Works to settle and become firm and solid: And whereas it has been estimated that the same Works may be safely and securely completed within the Space of Ten Years; be it therefore further enacted, That if the said Reservoirs, Embankments, Conduits, and other Works herein-before described, and intended to be carried into effect under the Authority of this Act, 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 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 said Com-

Works to be
completed
within Ten
Years.

[Local.]

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missioners

missioners be not discharged from any Liability or Obligation to any Person arising out of the Provisions herein contained.

Saving the Rights of the Duke of Norfolk, his Heirs and Assigns.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away the Rights, Privileges, Franchises, Powers, or Authorities which the Most Noble *Bernard Edward Duke of Norfolk, et cætera*, now hath or is entitled unto as Lord of the Manor of *Glossop* aforesaid.

Certain Words defined.

LXXIV. And be it further enacted, That whenever in this Act Mention is made of "the Commissioners" or "the said Commissioners," the said Expressions shall be understood as describing or referring to "The Commissioners of the *Glossop Reservoirs*" in their Corporate Character and not as Individuals (unless the Sense requires a contrary Interpretation); and also that throughout this Act (except where the Nature of the Provision, or the Context of the Act shall exclude such Construction) the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate; and also that whenever in this Act Mention is made of "the tributary Streams" or "the said tributary Streams," the said Expressions shall be understood as describing or referring to the *Shelf Brook*, the *Hurst Brook*, and *Chunal Brook* in the Parish of *Glossop* aforesaid, or any or all of them, until the Junction of the same with the said River *Etherow* or *Mersey*; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Public Act.

LXXV. 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.

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