ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxxv.

An Act for repairing, maintaining, and rendering more safe certain Reservoirs on the *Adel Beck* in the West Riding of the County of *York*.

[28th *June* 1853.]

WHEREAS it is expedient that Provision should be made for repairing, maintaining, and rendering more safe the existing Reservoirs or Dams, known by the Names of the *Blackhill Dam* and *Adel Old Dam* respectively, situate on a certain Beck or Stream called *Adel Beck* in the Parish of *Adel* in the West Riding of the County of *York*, for the Purpose of affording a better and more regular Supply of Water: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In construing this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be

be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include Corporation, whether aggregate or sole:

The Expression "*Adel Beck*" in this Act shall be held to apply to the Stream or Beck, and the several Parts thereof, in the Parishes of *Adel*, *Harewood*, and *Leeds*, whether known by the Name of *Adel Beck*, *Sheepscar Beck*, *Lady Beck*, or *Timble Beck*; and the Word "Beck" used alone shall mean the said *Adel Beck*:

The Word "Clerk" shall mean the Clerk of the Commissioners:

The Word "Commissioners" shall mean the Commissioners of the *Adel Beck* Reservoirs for the Time being acting by virtue of this Act:

The Expression "Clerk of the Peace" shall mean Clerk of the Peace of the West Riding of the County of *York*:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the West Riding of the County of *York*:

The Word "Owner" when used in reference to the Commissioners shall mean the Party in possession or receipt of the Rents or Profits of any Tenement, either in his own Right or in the Right of his Wife, or as Trustee or as Guardian or Committee of any Infant or Lunatic, and shall include Lessees for any Term whereof Twenty Years or upwards shall be unexpired at less than Two Thirds of the Rackrent.

Provisions of 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 16., with certain Exceptions, incorporated with this Act.

II. "The Lands Clauses Consolidation Act, 1845," (except the Provisions with respect to the Purchase of Land otherwise than by Agreement,) and "The Commissioners' Clauses Act, 1847," (except the Sixth, Seventh, and Sixteenth Sections with respect to the Qualification of Commissioners, and the Fortieth, Forty-second, Forty-third, Forty-fifth, Forty-sixth, Fifty-third, and Fifty-fourth Sections with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, and the Fifty-seventh Section relating to Contracts, and the Sixty-second and Sixty-third Sections with respect to the Liabilities of the Commissioners and to legal Proceedings by or against the Commissioners, and the Eighty-fourth Section as to the Payment of Money borrowed on the Security of the Rates, and the Ninety-second Section as to the Appointment of Auditors, and the several Sections with respect to the Election and the Rotation of the Commissioners and to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices,) are hereby incorporated with this Act.

Commissioners.

III. *Eliza Tatham*, *Hannah Baker*, *Mary Anne Tatham*, *John Harrison*, *John Smith* of *Scothall Mill*, *George Smith*, *John Morfitt*, *Thomas*

Thomas Pease, *Joseph Broadhead*, *George Walker*, *Thomas Wood*, *Jacob Wood*, *Samuel Dickinson Martin*, *Samuel Lawson*, and all other Persons who now are or hereafter shall be duly qualified according to the Provisions of this Act, shall be the Commissioners for carrying this Act into execution, and shall be called "The Commissioners of the *Adel Beck* Reservoirs."

Qualification of Commissioners.

IV. Every Person of full Age who shall be the sole Owner or sole Occupier of some Fall of Water of at least Two Feet rated and assessed or liable to be rated and assessed under this Act, or who shall be One of Two joint Owners or One of Two joint Occupiers of some Fall of Water of at least Four Feet rated and assessed or liable to be rated and assessed under this Act, or who shall be One of Three or more joint Owners or One of Three or more joint Occupiers of some Fall of Water of at least Six or more Feet rated and assessed or liable to be rated and assessed under this Act, shall be qualified to be a Commissioner.

As to voting by Bodies Politic or Corporate.

V. Every Body Politic or Corporate being a Commissioner under this Act shall be entitled to act and vote as such by their Clerk or other Officer usually acting on their Behalf.

Male and Female Commissioners may vote by Proxy as Owners, and Female Commissioners as Occupiers.

VI. Every Commissioner, whether Male or Female, who shall be such by virtue of Ownership, and every Female being a Commissioner by virtue of Occupation, shall be at liberty to vote by Proxy appointed by Writing under his or her Hand, whereon the proper Stamp Duty shall have been duly paid: Provided always, that the Instrument appointing the Proxy shall have been transmitted to the Clerk of the Commissioners not less than Twenty-four Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Commissioner not to act unless he shall have paid all Rates.

VII. No Commissioner shall be entitled to attend or vote at any Meeting unless he shall have fully paid and satisfied the Rates, if any, which shall for the Time being have been assessed upon him under or by virtue of this Act, and the Payment whereof shall have been demanded Seven Days before such Meeting.

Quorum of Commissioners.

VIII. The Quorum of a Meeting of Commissioners shall be Three.

First and annual Meetings of the Commissioners.

IX. The Commissioners shall hold their First Meeting in the Town of *Leeds*, or the Parish of *Adel*, or at some other convenient Place within the Parish of *Leeds*, on the *Tuesday* next after the Expiration of Thirty Days from the passing of this Act, between the Hours of Eight o'Clock in the Forenoon and Four o'Clock in the Afternoon, and they shall also hold an annual Meeting on the First *Tuesday* in *July*, at the Place and between the Hours aforesaid, unless some other Place shall

shall be appointed by them; and the First Annual Meeting shall be held in the Year One thousand eight hundred and fifty-four.

As to the holding of Special Meetings.

X. The Commissioners may hold Special Meetings, and any Three or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Two clear Days Notice thereof at the least be given.

As to Votes of Commissioners.

XI. At every Meeting each Commissioner present, in Person or by Proxy, shall be entitled to give One Vote on any Proceeding or Question thereat for every Two Feet of Fall of Water of which he shall be Owner or Occupier, and if he shall be both Owner and Occupier he shall be entitled to vote both as Owner and Occupier: Provided also, that, for the Purpose of voting, all joint or concurrent Occupiers of the same Fall of Water, whatever may be the Number of Feet Fall thereof respectively, and whether such joint or concurrent Occupiers be Joint Tenants, Partners in Trade, Tenants in Common, or otherwise, shall be considered as One Commissioner only, and not as several Commissioners.

For ascertaining the Mode of voting prior to Rates being made.

XII. Each of the Commissioners at their First Meeting to be held for carrying this Act into execution, and also at any subsequent Meeting until some Rate or Assessment shall have been made in pursuance of this Act whereby the Amount of the Assessment which each Commissioner, being an Owner or Occupier, shall be rated at or be liable to pay, can be ascertained, shall be entitled to give One Vote only on any Proceeding or Question at any such Meeting.

Duration of Committees.

XIII. No Committee shall be appointed by the Commissioners to act for a longer Term than until the annual Meeting of the Commissioners next following its Appointment.

Appointment of Auditors.

XIV. Twenty-eight Days at the least before the Meeting to be held for examining and passing the Accounts of the Commissioners, and at a Time and Place of which public Notice shall be previously given, the Commissioners shall and they are hereby required to apply to Two or more Justices to nominate Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors, before entering on their Office, shall subscribe a Declaration to the same Purport and Effect as that required to be signed by the Commissioners; and the Ninety-third Section of "The Commissioners Clauses Act, 1847," shall apply to such Auditors in like Manner as it would have applied to Auditors appointed by the Ratepayers under the Ninety-second Section of the same Act.

XV. It

Power to purchase or rent Adel Old Dam and Blackhill Dam and Reservoirs.

XV. It shall be lawful for the Commissioners for the Purposes of this Act to purchase the existing Reservoirs known as the *Adel* Old Dam or Reservoir and the *Blackhill* Dam or Reservoir, or either of them, with the Consent of the Owners, Lessees, and Occupiers of such Reservoirs respectively, and the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, shall be applicable to the Purchase and Sale of such Reservoirs in like Manner as they are applicable to the Purchase and Sale of Land authorized to be purchased and sold for the Purposes of this Act; and all Persons having any Estate or Interest in such Reservoirs, or either of them, which would by virtue of the said Provisions as so incorporated enable them to sell and convey the same for a Sum in gross, are hereby empowered, if they shall think fit, to sell the same for a perpetual Rentcharge, anything in the said "Lands Clauses Consolidation Act" contained to the contrary notwithstanding.

Power to enlarge Reservoirs.

XVI. It shall be lawful for the Commissioners to enlarge, make good, and maintain the said Reservoirs, or such of them as they may have previously purchased, and to make and maintain all such necessary and proper and convenient Cuts, Aqueducts, Feeders, Bye-washes, Spill-waters, Weirs, Dams, Banks, Drains, Sluices, Valves, Cloughs, and other Works as the Commissioners may think proper upon any Lands which may have been purchased by them under the Powers of this Act; provided always, that the superficial Area of the Water of the said *Blackhill* Dam or Reservoir shall not be more than Twenty Acres and Twenty Perches.

Reservoirs to be enlarged according to deposited Plans and Sections.

XVII. And whereas a Plan and Section of the said Reservoirs showing the Site and Levels thereof respectively, together with a Book of Reference to such Plan containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers of the Lands upon which it is proposed to enlarge the same, has been deposited with the Clerk of the Peace: Be it enacted, That, subject to the Restrictions herein-before contained with reference to the Size of the said *Blackhill* Dam or Reservoir, and to the Provisions and Powers of Deviation in this and the incorporated Acts contained, the said Reservoirs shall be enlarged upon the Lands delineated upon the said Plan and described in the said Book of Reference; and, subject to the Restrictions as to the Size of *Blackhill* Dam or Reservoir as aforesaid, and to the Provisions and Powers of Deviation aforesaid, it shall be lawful for the Commissioners, in enlarging the said Reservoirs, or any of them, to deviate to the Extent of lateral Deviation defined on the said Plan, and to any Extent not exceeding Five Feet from the Levels defined on the said Section, and to purchase with such Consent as aforesaid such of the Lands herein-before

referred to as may be required for any of the Purposes of this Act, and after such Purchase to enter upon and use the same.

Commissioners not to make Two other Reservoirs described on Plan.

XVIII. And whereas, in addition to the Reservoirs herein-before mentioned, the proposed Site of Two other Reservoirs is shown upon the said Plan, one thereof to be called the *Adel* Mills Reservoir, adjoining or near to the said *Adel Old Dam*, and the other to be called the *Thorner Ford* Reservoir, in the Parishes of *Adel* and *Harewood*, above and near to the *Thorner Ford* Aqueduct of the *Leeds* Waterworks: Be it enacted, That it shall not be lawful for the Commissioners to make the last-mentioned Reservoirs or either of them, anything in this Act contained to the contrary notwithstanding.

Errors and Omissions in Plans, &c. may be corrected by Justices, who shall certify the same.

XIX. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plan or Book of Reference, it shall be lawful for the Commissioners, after Ten Days Notice given to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly; and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace, and with the Parish Clerk of the Parish in which the Land to which such Certificate relates shall be situate, and such Certificate shall be kept by such Clerk of the Peace and Parish Clerk along with the other Documents to which they relate, and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works in accordance with such Certificate.

Certificate to be deposited.

Copies of Plan, &c. to be Evidence.

XX. True Copies of the said Plan and Book of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by the Clerk of the Peace, which Certificate the Clerk of the Peace shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Materials for Work, contracted for to be held to be the Pro-

XXI. During the Execution of any Contract, the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contract, shall, for the Purpose of

of protecting the same from Injury by Indictment, be held to be the Property of the Commissioners.

perty of the Commissioners.

XXII. It shall be lawful for the Commissioners to take and use, for the Purpose of forming and making the said Works or any of them, any Stone, Gravel, Clay, Sand, or other Materials which shall be dug or raised out of or upon the Lands purchased by the Commissioners in excavating or making any such Reservoirs or Works; and also, with the Consent of the Lord of the Manor for the Time being, to take and use from any common or waste or uninclosed Lands or Grounds belonging to such Lord of the Manor adjoining to either of the said Reservoirs, any Clay or Puddle for the Purpose of puddling the said Reservoirs or Works, making reasonable Compensation for such Clay or Puddle, and for any Damage that may be done in raising or getting the same.

Materials obtained in excavating Works to be used for Embankments.

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

Power to divert the surplus Water of Brooks adjoining the Reservoir, with the Consent of the Owners, &c. of adjoining Property.

XXIV. It shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified or limited Estate or Interest, Husbands, Guardians, Trustees or Feoffees in Trust for charitable or other Purposes, Committees of Idiots or Lunatics, Executors, Administrators, and all other such Persons as the Commissioners are authorized to treat, contract, and agree with by virtue of this Act, or the Lands Clauses Consolidation Act incorporated herewith, to give such Consent as is herein mentioned to the Diversion by the Commissioners of the surplus Waters of any Streams or Brooks and of the tributary Streams and Rivulets of any such Brooks, and any other Consent by this Act required as to such Corporations and Persons as aforesaid shall respectively seem meet.

As to Consent to Diversion of surplus Waters by incapacitated Persons.

XXV. It shall be lawful for the Commissioners to erect and build in some convenient Situation or Situations near each of the said Reservoirs, and at all Times thereafter to keep in good Repair, a House

Power to build House for Superintendent of Reservoirs.

House and other necessary Buildings for the Habitation of a Person to be from Time to Time appointed by the Commissioners to superintend each of the said Reservoirs and the Works connected therewith, or any of them, and such Persons so to be appointed shall always be resident near to the said Reservoirs and Works, and shall have full Power and Authority (subject nevertheless to the Control of the Commissioners) to superintend and regulate the Supply of Water from the said Reservoirs, and by means of the said Reservoirs and Works to keep up and maintain an uniform Supply of Water for the said Beck; and it shall also be lawful for the Commissioners, during the making or repairing of the said Reservoirs, Embankments, and Works, or any of them, to make temporary Roads or Ways between any existing Road or Way, and any of the said Reservoirs or Works, with the previous Consent in Writing of the Owners and Occupiers of the Lands through which the same shall be made, and also with the like Consent to make and maintain all such other Roads or Ways in, through, over, or upon any Lands or Grounds near to or adjoining either of the said Reservoirs as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and the other Persons in their Employ, to have Access to such Reservoirs, Embankments, and Works, or any of them, at all Times when necessary, with or without Cattle, Carts, or Carriages.

Power to make temporary Roads during the making &c. of Reservoirs.

XXVI. Whereas there is a certain Occupation Road and public Bridleway lying between the said *Adel Old Dam* and the *Blackhill Dam*, the Level of which might be altered without Inconvenience to the Public or to Persons entitled to use the same, and with Advantage to the said *Blackhill Dam*, and the Plan and Section deposited as aforesaid show the Situation and present and proposed Level of the said Road: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions herein-after contained, to alter the Level of the said Road by raising the said Road to such Extent as they may think fit, not exceeding the Level described on the said Section; and in case the said Road when altered shall exceed in Length the Road in its present State, the Commissioners shall be liable to the Repair and Maintenance thereof to the Extent of such increased Length.

Power to raise Road between Adel Old Dam and Blackhill Dam.

XXVII. Provided always, That before the said Road or any Part thereof shall be so altered, the Commissioners shall cause to be affixed at each End of the Part thereof so proposed to be altered, a Notice to the Effect that the same is intended to be altered in the Manner proposed, and the Commissioners shall cause the same Notice to be given by Advertisement for Four successive Weeks in some Newspaper published in the West Riding of the County of *York*, and also upon the principal Door of the Church or Chapel (if any) belonging

Commissioners to cause Notices to be given previously to altering Road.

belonging to the Parish within which such Road shall be situate, upon the Four *Sundays* of the said successive Weeks, and after the said Notices shall have been given such Road may be altered as aforesaid, subject however to Appeal as herein-after mentioned.

Persons thinking themselves aggrieved may appeal upon giving Notice.

XXVIII. Provided always, That it shall be lawful for any Person who may think that he would be injured or aggrieved if such Road should be so altered as aforesaid, within Four Months after the last of the said Notices shall have been given, to appeal to the Quarter Sessions, upon giving to the Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; provided that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether Alteration of Road will be beneficial.

As to Costs of Appeal

XXIX. In case of such Appeal, the Justices at such Quarter Sessions shall, for the Purpose of determining whether such Road shall be altered as aforesaid, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Road may, as a Bridleway, beneficially to the Public be altered in the Manner proposed, and that the Party appealing would not be injured or aggrieved by the proposed Alteration, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioners, and the same shall be recoverable in the Manner by this Act provided for the Recovery of Penalties and Forfeitures; but if the said Jury shall return a Verdict that such Road as a Bridleway could not, beneficially to the Public, be so altered, or that the Party appealing would be injured or aggrieved by the Alteration proposed, the said Court shall allow such Appeal, and the Alteration shall not be made; or, in case the same shall have been made, the said Court shall make an Order for restoring the said Road to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Treasurer of the Commissioners out of the Funds of the Commissioners.

Commissioners to fence off Reservoirs.

XXX. The Commissioners shall at their own Expense forthwith, or from Time to Time, separate the same Reservoirs and keep the same constantly separated from the Lands adjoining to such Reservoirs by good and sufficient Hedges, Ditches, Walls, Mounds, or other Fences, in case the Owners of or Persons having the Right of

Pasturage on such Lands adjoining the said Reservoirs, or either of them respectively, shall at any Time desire the same to be fenced off; and from Time to Time maintain good and sufficient Fences or other Protections by the Side of or over any Drains, Sluices, or Watercourses communicating to or with the said Reservoirs or either of them, to protect the Cattle or other Property of the Owners or Occupiers of the adjoining Land from Damage or Injury by reason of such Reservoirs, Drains, or Watercourses, in case the Occupiers of such Lands or any of them shall request such last-mentioned Fences or other Protections to be made; and all such Posts, Rails, Hedges, Ditches, Mounds, Fences, or other Protections shall from Time to Time and at all Times thereafter be maintained in good and sufficient Repair by the Commissioners: Provided, that in case the Commissioners shall, for the Space of Three Months after Notice in Writing from the Owners or Occupiers of such adjoining Lands, refuse or neglect to make, erect, and maintain such good and sufficient Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences as herein-before directed, or any of them, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall be aggrieved by such Neglect or Refusal to make and erect, or, as the Case may require, repair and maintain, such Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences; and all the reasonable Costs and Charges thereof (to be settled and allowed by any Two Justices in case there shall be any Dispute about the same) shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired or maintained such Posts, Rails, Hedges, Ditches, Walls, Mounds, or other Fences as aforesaid, by the Commissioners, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing thereof shall have been delivered to and made upon the Commissioners or their Clerk.

Proviso for neglecting to fence off Reservoirs.

Commissioners to make watering Places for Cattle.

XXXI. The Commissioners shall and they are hereby required, from Time to Time, at their own Expense, to make proper and convenient Watering Places for watering the Cattle in any enclosed Lands adjoining to such Reservoirs, in all Cases where by means of the said Reservoirs and Works connected therewith respectively, or any of them, the Cattle of any Person occupying Land adjacent thereto shall be deprived of as easy Access as before to their ancient Watering Places, and to supply the same at all Times with Water from the said Reservoirs, Brooks, or Feeders.

Compensation for Damage to Land.

XXXII. If any Person, whether a Commissioner under this Act or otherwise, 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 Embankments of the Reservoirs, or any of the Works hereby authorized to be made, or if any public Bridge

Bridge or Road shall be thereby destroyed or damaged, then and in every such Case full Compensation and Satisfaction shall be made by the Commissioners for all such Damage; and in case of Nonpayment of the Amount of such Damage for the Space of Thirty Days next after the same shall have been demanded by Notice in Writing, the same shall and may be recovered, together with full Costs of Suit, by Action of Debt or otherwise in any Court of competent Jurisdiction.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

XXXIII. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be purchased or enlarged under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling House, Mill, Factory, or other Works situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, or by the Mayor, Aldermen, and Burgesses of the Borough of *Leeds* as Owners of the Works for supplying with Water the Town and Neighbourhood of *Leeds*, that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Reservoir is in a dangerous State they shall, by Writing under their Hands, order and require the Commissioners, within a Time to be specified in such Writing, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Commissioners shall not, within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two Justices, have repaired the said Reservoir or constructed the said Works, or in case upon receiving such Representation as aforesaid the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Commissioners and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal as herein-after mentioned, and such Order may be in the Form or to the Purport and Effect following; (that is to say,)

To

To *A. B.* We the undersigned, Two of Her Majesty's Justices of the Peace acting in and for the West Riding of the County of York, do hereby order and direct you, and such Person or Persons as you may require to aid and assist you herein, forthwith to do all such Acts as may be necessary to lower the Water in a certain Reservoir, known as the Reservoir, by the Space of Feet or thereabouts, and to keep the same at that Level until you shall be further instructed by us or by Two other Justices of the Peace acting in and for the said County, and you shall do as little Injury as possible to the Property of the Commissioners, and in acting in obedience to the Premises this shall be your sufficient Warrant.

Given under our Hands this Day of One thousand eight hundred and .

(Signed) *C.D.*
E.F.

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except when the Urgency of the Case will not admit of the Delay, the Justices before making an Order to repair any such Reservoir, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Clerk of the Commissioners, and shall hear and consider any Evidence that may be tendered on behalf of the Commissioners against the making of such Order: Provided also, that if the Commissioners shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal, and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices as they may think proper, but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Commissioners, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do, and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Power to Commissioners to levy Rates.

XXXIV. It shall be lawful for the Commissioners from Time to Time to make and levy such Rates as are herein-after mentioned, to commence

commence at such Time and to be payable at such yearly or half-yearly Periods as the Commissioners shall think proper, upon all Occupiers of Mills, Factories, Dye-houses or other Premises now erected or hereafter to be erected upon, across, or near the Line or Course of the Beck, between the Site of the said Reservoirs respectively and the Junction of the Beck with the River *Aire*, who shall use or by any means whatsoever abstract any Water from the Beck for the Purpose of giving Motion to any Water-wheel or other Hydraulic Engine.

In case of Difference of Opinion of concurrent Occupiers of Falls, the same to be settled by Referees.

XXXV. Where any Two or more Persons shall be concurrent Occupiers for any such Purpose as aforesaid of any Part of the Beck or the Fall thereof, or the Water derived from the Beck, 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 a Referee or Referees to be appointed as herein-after mentioned, whose Charges shall be paid and defrayed by such concurrent Occupiers in equal Proportions, the same as if he or they had been retained or engaged by themselves in making such Valuation: Provided always, 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 Commissioners, the Commissioners shall be at liberty to assess the whole of the Rate in respect of the Part of the Beck, or the Fall thereof, or the Water derived therefrom, or concurrently occupied, upon any of the Persons so occupying the same, or upon all of them, in such Proportions as the Commissioners shall judge proper.

Appeal.

XXXVI. The Rate or Assessment to be made upon any such concurrent Occupier or Occupiers as aforesaid shall be subject to Appeal as herein-after mentioned.

As to Appointment of Referees and Umpire.

XXXVII. In all Cases in which the Appointment of a Referee or Referees is provided for by this Act, if the Commissioners and the Party or Parties interested in the Matter in respect of which such Referee or Referees is or are to be appointed shall not agree upon One Person to act as such Referee, One such Referee shall be nominated by the Commissioners, and another by such Party or Parties, and such Two Referees shall have Power to appoint an Umpire to decide between them in case they shall disagree; and if either Party shall neglect to appoint a Referee for the Space of Twenty-one Days after having been required in Writing so to do by the other Party, then the Referee to be appointed by such last-mentioned Party shall be competent to act alone.

Falls unoccupied, &c. when Assessment imposed to be afterwards assessed.

XXXVIII. Whereas there are or may be Falls of Water which being wholly unoccupied or disused will not be assessed by the Commissioners by virtue of this Act, but it is just and reasonable that if the same should afterwards be occupied or used they should be assessed for the Expenses of making and maintaining the Works constructed by virtue of this Act: Be it therefore enacted, That it shall be lawful for the Commissioners in every such Case to proceed from Time to Time in ascertaining such Falls and imposing such Assessment in the same Manner as they are herein-after directed to proceed in ascertaining the Height of the Falls now occupied, and assessing them accordingly.

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

XXXIX. In all Cases where any Person shall remove from or quit any Premises which shall be rated to any Rate by virtue of this Act, such Person shall be liable to pay such Rate in proportion to the Time for which he occupied the same in like Manner as if he had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such Premises as aforesaid, out of or from which any other Person rated as aforesaid shall have removed, or which at the Time of making any such Rate were unoccupied or were not rated under the Authority of this Act, he shall for and in respect of his Occupation thereof be liable only to such Rate in proportion to the Time that he shall occupy the same, in the same Manner as if he had been originally rated for such Premises, which said respective Proportions, in case of Dispute, shall be determined by the Commissioners; and no Mill or Premises shall be rated or assessed under this Act in any Year or in respect of any Portion of a Year during which it shall be unoccupied: Provided always, that if there shall be a fractional Part of Half a Year beyond, or less than a full Half Year, in respect of which any Person shall be rated under this Act, the Commissioners may determine and levy the Rate hereby granted as for a full Half Year in respect of such fractional Part.

Power to Commissioners to levy ordinary Rates.

XL. The Commissioners shall in every Year make and levy One or more Rate or Rates, to be called "Ordinary Rates," of such Amount or Amounts respectively as they shall think fit: Provided always, that such Rate or Rates shall not exceed in any One Year Two Pounds *per* Foot of Fall of Water, and that the Amount to be produced by means of such Rate or Rates shall not (so far as the Commissioners can estimate the same) exceed in any One Year the current Expenses of the Commissioners (including the Expenses of maintaining and repairing the Reservoirs, Embankments, and Works by this Act authorized to be purchased or enlarged by the Commissioners), the Amount of any Rentcharges and Interest Monies due from them, and Seven Pounds and Ten Shillings *per Centum per Annum* upon the Amount

Amount of the Money from Time to Time owing by the Commissioners under the Authority hereof.

Provision in Cases of Deficiency in Collection of the Rates, &c.

XLI. If from any Deficiency in the Receipt or Collection of the ordinary Rates, or from any other Cause, the Monies raised by any such Rate or Rates in any Year shall be found insufficient to pay the Amount of Interest or Arrears of Interest due for any Monies advanced or borrowed for the Purposes of this Act, or the Monies necessarily expended in the Employment of Inspectors, Surveyors, or other Officers for the due Execution of this Act, or in the keeping up, maintaining, or repairing of the said Reservoirs, Embankments, and other Works by this Act authorized to be repaired and maintained, or in the prosecuting or defending any Indictment or any Suit at Law or in Equity, or other Proceedings, or any other incidental Expenses, then and in such Case it shall be lawful for the Commissioners in making the Rate or Rates for any subsequent Year to raise by such Rate or Rates a sufficient Sum of Money for discharging such Deficiencies, in addition to the proportionate Money aforesaid; and if there shall be any Surplus from the said Rates in any Year, after defraying all the Costs, Charges, and Expenses of such Year, such Surplus shall be applied in diminution of the Rates to be levied in the then next Year.

Application of Rates.

XLII. The Monies to be received by the Commissioners from the ordinary Rates or Assessments made under or by virtue of this Act shall be applied by them in paying the Costs, Charges, and Expenses of and incident to the passing of this Act, and the Interest of any Monies subscribed or advanced or borrowed by the Commissioners under the Powers or Provisions of this Act, and also in maintaining the said several Embankments or Reservoirs and Works in good and sufficient Repair, and the other current and incidental Expenses of the Commissioners, and the Residue of such Monies (if any) shall from Time to Time be applied for the Purpose of raising a Contingency Fund to be kept in reserve for answering any extraordinary Outlay or Contingency, or otherwise relative to the Execution of the Purposes of this Act, and in furthering the Purposes thereof, and also, at the Discretion of the Commissioners, in paying off all or any Part of the Principal Monies advanced or to be from Time to Time advanced or borrowed for the Purposes of this Act: Provided always, that whenever such Contingency Fund shall for the Time being amount to the Sum of Five hundred Pounds such Residue shall be applied exclusively in paying off the said Principal Monies, and until required for that Purpose shall be accumulated and form a Sinking Fund, and be from Time to Time invested by the Commissioners in Government or Real Securities, or Mortgage Securities of any incor-

porated

porated Company, and the annual Income derived from such Investments shall also form Part of the Sinking Fund, and be applicable in like Manner.

As to providing a Redemption Fund for the gradual Payment of the original Cost of the Works, &c.

XLIII. Whereas it is desirable and expedient that a Redemption Fund should be created for the Purpose of discharging the original Sum to be expended in purchasing, enlarging, and making good the said Reservoirs, and the original Costs and Outlay attending the said Works: Be it enacted, That at the First Annual Meeting of the Commissioners after either of the said Reservoirs shall have been purchased, and at the First Annual Meeting of the Commissioners after either of the said Reservoirs shall have been enlarged, or the Dam Head or Embankment thereof shall have been strengthened and made good, a true and just Statement of the actual Outlay incurred in such Purchase, Enlargement, or making good, as the Case may be, shall be made and verified by the Treasurer and Clerk of the Commissioners, and a Minute of the Amount thereof shall be entered in the Book of Proceedings of the Commissioners at such Meeting, and it shall be lawful for the Commissioners from Time to Time to levy and recover an annual Rate or Assessment upon the Occupiers of all such Mills, Factories, Dyeworks, and Premises as aforesaid, provided that the Money to be produced by such Rate or Assessment shall not exceed in any One Year, as nearly as the Commissioners can calculate, One Pound and Ten Shillings *per Centum per Annum* upon the actual Outlay so ascertained as aforesaid, until the full Amount of such original Outlay shall be liquidated; and such last-mentioned Money shall be called Redemption Money, and a separate Account shall be kept of the said Redemption Money, and the same shall from Time to Time be applied in liquidation of the original Outlay of the Reservoir so purchased, enlarged, or made good, or any Money borrowed or advanced for that Purpose remaining due upon Security of the Rates hereby authorized to be assessed and levied, and so from Time to Time when the other of the said Reservoirs shall be purchased, enlarged, or made good: Provided always, that no such Reservoir shall be deemed to be enlarged or made good within the Meaning of this Enactment until the same shall have been enlarged or made good (as the Case may be) and completed in a safe, secure, and sufficient Manner, and shall have been so certified by a competent Engineer by Writing under his Hand, and such Certificate shall have been deposited with the Clerk of the Peace.

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

XLIV. The 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 the Circumstances may render it necessary from Time to Time, and they are hereby authorized and required,

required, to appoint some Person or Persons, not being Owner or Owners or Occupier or Occupiers of any Mills or Works liable to be rated or assessed by virtue of this Act, as Surveyor or Surveyors to survey the whole or any Part of the Beck, and to measure and ascertain the Height of the Falls existing thereon, and to determine the Levels of the Beck and Falls respectively, and to collect all such other Information as may be necessary or proper, to the end that the Commissioners may from the Report of such Surveyor or Surveyors be the better enabled fairly and equitably to make and assess the said Rates or Assessments, and for such Purposes it shall be lawful for such Surveyors and their Assistants from Time to Time to enter into and upon the Lands and Works adjoining or near the Beck.

Power to levy Distress on Nonpayment of Rates.

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

Power to borrow on Mortgage.

XLVI. It shall be lawful for the Commissioners from Time to Time to borrow at Interest on Mortgage of the several Rates or Assessments by this Act granted and authorized to be levied, and of any Property which may be vested in the Commissioners by virtue of this Act, any Sum or Sums of Money not exceeding in the whole Five thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners, except by means of the Sinking Fund herein-before mentioned, to reborrow the same, and so from Time to Time.

Arrears may be enforced by Appointment of Receiver.

XLVII. The Mortgagees or Assignees in Security of the Commissioners may enforce the Payment of the Arrears of Principal or Interest due to them by the Appointment of a Receiver.

Application of certain Monies belonging to Millowners, and of Monies to be raised on the Credit of the Rates.

XLVIII. Whereas certain Sums of Money have been paid by or are now due and owing from the *Leeds* Waterworks Company and the *Leeds Northern* Railway Company respectively to the Millowners on the Beck, or certain Persons as Trustees for them: Be it enacted, That such Sums, and also all the Money which shall be raised on the Credit of the Rates and Assessments hereby authorized to be levied, shall be applied in the first place in paying the Expenses of obtaining and passing this Act or incident thereto, and afterwards in purchasing, enlarging, and constructing the Reservoirs and Works by this Act authorized, and in purchasing Lands for such Purpose, and in such other permanent Objects as are hereby authorized, and as the Commissioners shall direct.

As to Execution against Goods of Commissioners.

XLIX. Every Judgment, Order, or Decree obtained either at Law or in Equity, or in any Proceeding whatsoever against the Commissioners or any of them, for the Recovery of any Money, Damages, or Penalties under or by virtue of this Act, shall operate as if the whole of the Commissioners had been made Parties to the Action, Suit, or Proceeding wherein such Judgment, Order, or Decree shall have been obtained, and Execution thereon may be levied on the Property or Effects of the Commissioners by virtue of their Office; and in case any such Judgment, Order, or Decree shall not be satisfied by the Means aforesaid, then Execution or any Number of concurrent or successive Executions thereon may be issued against the Owners and Occupiers, or any One or more of them, of the Mills and Premises, or any One or more of them, liable for the Time being to be rated and assessed by virtue of this Act, or of any Estate or Interest therein respectively, to the full Extent of their respective Estates and Interests therein, to be made and levied of the said Mills and Premises and the said Estates and Interests therein respectively, and of any Goods and Chattels therein and thereupon respectively found and being: Provided always, that the Owner or Occupier of any such Mill and Premises, and the Owner of any such Goods and Chattels, shall be fully reimbursed by the Commissioners the Amount so to be levied, and all Costs, Charges, and Expenses, Loss and Damage, which he may be put to in consequence of such Levy or Execution, and the Commissioners are required forthwith, by such Ways and Means as they are by this Act authorized and empowered to use, to raise and pay to such Owner or Occupier as aforesaid such Sum of Money as shall be requisite and sufficient to reimburse him as aforesaid.

Indemnity to Commissioners and Clerk in whose Name legal Proceedings shall be carried on.

L. Every such Commissioner, or the Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expenses to which any such Commissioner or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant, and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit has arisen in consequence of his own wilful Neglect or Default, or unless, if such Action or Suit has been brought by the Clerk, or by Two or more Commissioners, it has been so brought without the Order or Direction of the Commissioners, to be signified by a Resolution or Minute made and passed at a Meeting of the Commissioners to be held pursuant to this Act.

Recovery of Money from Commissioners.

LI. With respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners other than for any wilful Neglect or Default of such Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners vested in them by virtue of their Office, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due and demanding Payment thereof, shall have been given to the Treasurer or left at his usual Place of Abode.

Reimbursement of Treasurer.

LII. If such Treasurer pay any Money under any such Distress as aforesaid, it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expenses occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the Commissioners.

Power to make Byelaws for Management of Reservoirs, and regulating Supply of Water.

LIII. In addition to any Byelaws which the Commissioners may make under Section Ninety-six of "The Commissioners Clauses Act, 1847," it shall be lawful for the Commissioners from Time to Time to make such Byelaws as they may think fit for the Management of their several Reservoirs and Works, and for regulating the

the Supply of Water therefrom, and from Time to Time to alter or repeal such Byelaws and make others in their Stead; and Sections Ninety-six, Ninety-seven, and Ninety-eight of the said Act shall be applicable to such Byelaws, in like Manner in all respects as they may be applicable to Byelaws made under Section Ninety-six of the said Act.

Copy of Byelaws signed by Clerk to be Evidence.

LIV. The Production of a written or printed Copy of the Byelaws of the Commissioners, signed by the Clerk, shall be sufficient Evidence of such Byelaws in all Cases of Prosecution under the same, and on all other Occasions.

For Protection of the Waterworks of the Corporation of the Borough of Leeds.

LV. Nothing in this Act contained shall authorize the Commissioners to purchase, divert, or take any Water, Brook, or Spring, or the tributary Streams or Rivulets of any Water, Brook, or Spring now flowing to any Reservoir or Conduit of the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*, or any Part of the Water of any such Stream, Rivulet, Water, Brook, or Spring.

Compensation to be made to the Corporation of Leeds.

LVI. The Commissioners shall and they are hereby required, from Time to Time and at all Times, to pay and make good to the Mayor, Aldermen, and Burgesses of the Borough of *Leeds* all Losses, Costs, Damages, Injuries, and Expenses, as well consequential as immediate, which the said Mayor, Aldermen, and Burgesses may incur, suffer, or be put unto by reason of any Act or Proceeding of the Commissioners, or by reason of the Failure or giving way from any Cause whatever of any of the Reservoirs, Embankments, Waste Weirs, Watercourses, Pipes, or other Works purchased or constructed by the Commissioners under the Provisions of this Act; and in case of Dispute as to the Amount of Compensation, the same shall be settled by Arbitration or the Verdict of a Jury, under the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, which for such Purpose are hereby incorporated with this Act.

Reserving certain Rights under 5 & 6 Vict. c. civ.

LVII. Nothing in this Act contained shall prejudice, lessen, or affect the Rights or Powers of the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*, under the Two hundred and fifty-sixth Section of the Act of the Fifth and Sixth *Victoria*, Chapter One hundred and four, to cleanse any Becks, Rivulets, or Streams of Water, drain any stagnant Pools, and remove all Filth within the said Borough.

For preserving the Salubrity of the Adel Beck.

LVIII. And for preserving the Salubrity of the said *Abel Beck*, be it enacted, That in case the Commissioners shall purchase the said Reservoirs,

Reservoirs, or either of them, and shall under the Powers of this Act enlarge the same by raising the Top-water Line thereof to a higher Level than the Level to which Water has been heretofore impounded therein, they shall erect or construct immediately below the lowest of the said Reservoirs a Gauge Weir, having a Cast-iron Notch or Opening therein of Two Feet in Width; and whenever and so long as the Water in such Reservoirs, or either of them, is above the Level to which it has heretofore been impounded therein, they shall cause so much Water to be discharged therefrom into the said Beck as shall suffice to fill such Notch to the Depth of Twenty-one Hundredths of a Foot through the whole Width thereof, and shall cause the said Quantity to flow continuously to and into the said Beck during Ten successive Hours (between the Hours of Six in the Morning and Six in the Evening) of every *Sunday*, *Good Friday*, and *Christmas Day* in every Year, or in case of Default shall forfeit and pay to the Mayor, Aldermen, and Burgesses of the Borough of *Leeds* the Sum of Five Pounds for every such Day on which such Default shall occur.

Saving Rights of Corporation of Leeds.

LIX. Nothing in this Act contained shall prejudice, lessen, or defeat any Right, Interest, or Property, Power, Privilege, or Authority of the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*; but all and every such Rights, Interests, Property, Powers, Privileges, and Authorities shall and may be had, held, exercised, and enjoyed in as full and ample a Manner, to all Intents and Purposes, as the same were had, held, exercised, and enjoyed at any Time before the passing of this Act.

Saving Rights of the Aire and Calder Navigation.

LX. Nothing in this Act contained shall defeat, lessen, prejudice, alter, take away, or affect any of the Rights, Privileges, Powers, or Authorities vested in or lawfully enjoyed, or of Right claimable by the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, in the County of *York*, or their Directors or Trustees, or any of them, or any of their Officers for the Time being, under or by virtue of any Public or Private Act or Acts of Parliament, or otherwise howsoever, or authorize the Commissioners to make or levy any Rate or Assessment for any of the Purposes in this Act mentioned, upon or in respect of any Mills or other Hereditaments belonging to or held in trust for the said Undertakers.

Recovery of Damages and Penalties.

LXI. The Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices, are hereby incorporated with this Act; and in construing such Provisions for the Purposes of this Act, the

Expression "Special Act" shall mean this Act, and the Word "Company" shall mean the Commissioners.

Short Title.

LXII. This Act shall for all Purposes be sufficiently described or referred to as "*Adel* Reservoirs Act, 1853."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.