Anno ſecundo

Georgii III. Regis.

An Act for ſupplying the Town of *Halifax* with Water.



Whereas the Inhabitants of the Town of Halifax, in the County of York, have hitherto been principally ſupplied with Water, for their domeſtick and other Uſes, by a Watercourſe iſſuing from a publick Spring called Well-head within the ſaid Town; which ſaid Spring, and alſo the Watercourſe iſſuing therefrom, have, for Time immemorial, been deemed and taken to be the Right and Property of the Inhabitants at large of the ſaid Town, and has been for Time immemorial uſed as ſuch by them; but the ſaid Watercourſe has of late Years been ſo much obſtructed by Filth, Rubbiſh, and otherwiſe, in its Courſe, that the Inhabitants of the ſaid Town have been obliged Preamble.

at great Expence and Trouble to ſupply themſelves with Water in Carts, from the Head of the ſaid Spring: And whereas the Trade and Inhabitants of the ſaid Town have of late Years been ſo much increaſed, that the ſaid Spring is not ſufficient to ſupply the ſaid Town with Water for common Uſes, nor can it, by reaſon of the Situation of the ſaid Spring, be conveyed in Pipes into the Houſes in the upper Part of the ſaid Town, by means whereof there has been a great Scarcity, and unleſs timely Proviſion be made to remedy the ſame, will ſoon be a total Want of ſuch Water, if the ſame continue to decreaſe, as it has for theſe Three or Four Years laſt paſt, which will not only be a great Prejudice to the ſaid Inhabitants, but will alſo be of the utmoſt ill Conſequence in caſe of Fire; the ſaid Water iſſuing from the ſaid Wellhead, for all or moſt Part of Summer, and other dry or froſty Seaſons, not reaching the ſaid Town, ſo as effectually to ſupply the ſame to ſtop, or even to abate the Calamity occaſioned thereby: And whereas there are in the Neighbourhood of the ſaid Town other Springs of Water, which lie higher than the ſaid Spring called Wellhead, and it is apprehended more may be found commodious for ſupplying the ſaid Town with a ſufficient Quantity of Water, if Power was given for removing the Obſtructions and cleanſing the ſaid old Watercourſe, and for conveying the Water from ſuch other Springs as are already, or may hereafter be diſcovered, to the ſaid Town: 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,

Truſtees Names.

That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Lord Viſcount Galway, in the Kingdom of Ireland; the Right Honourable John Lord Pollington, in the Kingdom of Ireland; Sir George Savile, Sir Rowland Wynn, Sir Walter Blacket, Sir George Armitage, Sir William Lowther, Sir William Wentworth, Sir John Ramſden, Sir John Liſter Kaye, Sir Lionel Pilkington, Sir Ralph Aſheton, Sir George Dalſton, Sir George Montgomery Metham, Baronets; Peter Bold, Francis Reynolds, Edmund Starkie, Robert Allenſon, William Alexander, Stephen Atkinſon, Thomas Aked, John

John Alexander, John Baldwin, Benjamin Bartlett, Peter Birt, Edmund Barker **junior**, Barnard Biſhcoſt, Thomas Barſtow, John Brooke, Francis Blaydes, John Blaydes, James Burnell, Richard Beaumont, Muſgrave Breſcoe, Godfrey Boſvile, William Beaumont, Thomas Beaumont, Richard Buxton, William Beatſon, John Battley, Jeremiah Battley, James Butterfield, Robert Butterfield, John Bramley, Joſeph Bramley, Michael Bairſtow, Francis Bairſtow, William Baldwin, Robert Butterfield **junior**, John Caygill, John Cookſon, William Cockcroft, Nicholas Colethurſt, Thomas Cockcroft, Thomas Cotton, Anthony Croſſley, Anthony Croſſley **the younger**, Luke Croſſley, John Cockſhut, John Cookſon **Doctor of Phyſick**, Richard Cooke, Benjamin Cooke, James Cook, Timothy Chadwick, William Clay, James Carr, **the Reverend** Robert Charleſworth, Abraham Chadwick, John Dearden, Jeremiah Dixon, Samuel Dyſon, Robert Denniſon, Thomas Denniſon, William Denniſon, **the Reverend** Francis Drake, Ely Dyſon, James Drake, Edward Elmſall, Joſeph Emmett, James Farrer, Abraham Firth, Benjamin Ferrand, James Foulds, William Ferguſon, William Faucitt, Fenton, William Greame, John Greenwood, Ambroſe Greenwood, John Greame, Henry Greenwood, Richard Green, John Hewett, John Haigh, William Haigh, John Horſefall **of** Dewſbury, William Hird, Henry Hitch, John Halliwell, John Howarth, William Hampſon, Robert Harper, Samuel Harper, William Horton, Richard Holden, William Hague, Nathaniel Holden, John Holden, Richard Holden, Joſhua Hanſon, Richard Hopwood, John Hamilton, Timothy Hainſworth, John Holt, James Howarth, Henry Hamer, William Holt, John Hinchcliffe, Joſeph Hodgſon, Joſhua Hudſon, Elkanah Hoyle, Joſeph Holt, Benjamin Holt, Joſeph Hulme **Doctor of Phyſick**, Thomas Holt, John Holt, Thomas Johnſon, Walter Jodrell, **Doctor** Cyrill Jackſon, James King, John Kirſhaw, James Kirſhaw, John Keighley, George Fox Lane, **the Reverend** William Lamplugh, Samuel Liſter, Edward Leeds, John Led, Edwin Laſcelles, Daniel Laſcelles, Henry Laſcelles, **the Reverend Doctor** Legh, Japheth Liſter, Richard Markham, Thomas Marſden, William Marſden, John Martin, William Marſden **the younger**, Thomas Martin, Abraham Mellin, Jonathan Nicholl, Poſthumous Nixon, **Sir** Fletcher Norton, Francis Norton, John Ormerod, William Ormerod, Ormerod, Thomas Ogden, George Perrot, John Prieſtley, William Preſcott, John Preſcott, William Pollard, Robert Parker, William Radcliffe,

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Abraham Radcliffe, Robert Ramſden, Jeremiah Rawſon, Richard Richardſon, William Rooks, John Royds, Charles Radcliffe, John Ramſden, Chriſtopher Rawſon, Robert Royds, Thomas Ramſden, Jeremiah Royds, John Rhodes, Richard Rhodes, James Rigg, Jo. Rigg, Robert Stansfield, John Stanhope, Walter Stanhope, William Serjeantſon, John Sutcliffe, John Smith, Samuel Stead, William Stead, Thomas Stead, David Stansfield, John Sugden, Benjamin Sutcliffe, John Senior, John Swire, George Smith, William Smith, Samuel Smith, John Scofeild, William Scofeild, Timothy Scofeild Hookoyle Thomas Thornhill, Robert Taylor, Samuel Taylor, Richard Townley, Walter Wade, John Walker, Thomas Wentworth, Peregrine Wentworth, John Woolmer, John Whittaker, Daniel Whittaker, James Wetherherd, William Wright, Samuel Waterhouſe, John Walker, John Walſh, Ephraim Wynn, Michael Wainhouſe, Chriſtopher Wetherherd, James Waddington, John Winn, Joſhua Wright, Samuel Zouch, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution; and they, or any Seven or more of them, ſhall meet on the Twenty eighth Day after the Day of paſſing this Act, at the Houſe of Maſter James Hindſon, in the ſaid Town of Halifax, and then proceed to the Execution of this Act; and the ſaid Truſtees, or any Seven or more of them, ſhall hold One general Meeting on the Firſt Thurſday after Midſummer, in every Year, in the ſaid Town of Halifax; and the ſaid Truſtees, or any Seven or more of them, aſſembled at ſuch Firſt Meeting, and at every General Meeting, may then, and from time to time afterwards, adjourn themſelves, and meet at ſuch Place or Places within the ſaid Town, as the ſaid Truſtees, or any Seven or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, and to adjourn to any other Time, then, and in ſuch Caſe, the Clerk to the ſaid Truſtees ſhall and may, by Writing to be affixed upon the Market Croſs and Church Doors of Halifax aforeſaid, at leaſt Ten Days before ſuch Meeting, appoint ſuch Truſtees to meet at the Houſe or Place where the laſt Meeting of the ſaid Truſtees was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held: But no Perſon ſhall be capable of acting as a Truſtee, in any Caſe,

Times and Place of Truſtees Meeting.

In Default of a ſufficient Number to act,

Notice to be given of another Meeting.

Qualification of Truſtees.

Caſe, in the Execution of this Act, unleſs he ſhall, at the Time of ſo acting, have and be ſeiſed of, in his own Right, or in Right of his Wife, and be in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate, in Law or Equity, of the clear yearly Value of Forty Pounds, above Reprizes; or poſſeſſed of a Perſonal Eſtate alone, of One thouſand five hundred Pounds; or of a Real and Perſonal Eſtate together, of the Value of Two thouſand Pounds: And if any Perſon or Perſons ſo made incapable, ſhall nevertheleſs preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act. Penalty on acting if not qualified.

And be it further enacted by the Authority aforeſaid, That when and as often as any of the Truſtees named in or appointed by virtue of this Act, ſhall die, remove, or refuſe to act; it ſhall and may be lawful for the remaining or ſurviving Truſtees, or any Seven or more of them, by Writing or Writings under their Hands and Seals, at any of their Meetings held in purſuance of this Act, to elect, nominate, and appoint, One or more fit Perſon or Perſons to be a Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying, removing, or refuſing to act; and Notice of the Time and Place of Meeting for the Election of ſuch new Truſtee or Truſtees, ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing, upon the ſaid Market Croſs and Church Doors, at leaſt Thirty Days before the Meeting for ſuch Election; and all and every ſuch Perſon and Perſons as ſhall be ſo choſen and appointed Truſtees, ſhall and may, and is and are hereby authorized and impowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full, large, and ample Manner, as the Truſtees hereby appointed are On Death or Removal of Truſtees, others to be choſen. Notice to be given of ſuch Election.

Truſtees to defray their own Expences.

are authorized and impowered to act; and that the ſaid Truſtees, at all their Meetings held in purſuance of this Act, ſhall defray their own Expences: But no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, with reſpect to any Matter or Thing wherein his Property ſhall be diſtinctly and ſeparately affected.

Truſtees not to act but at a publick Meeting.

Provided always, and be it further enacted by the Authority aforeſaid, That no Truſtee or Truſtees, named, elected, nominated, or appointed, in or by virtue of this Act, ſhall act, or be impowered to do any act, in the Execution of the Powers hereby given to them, or any of them, except it be at a Meeting to be by them holden in purſuance of this Act.

Truſtees not to be concerned in Contracts,

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees in or by virtue of this Act, ſhall make or be concerned in any Contract for any the Purpoſes of this Act, or ſhall hold or accept any Place

nor hold any Place of Profit, &c.

of Profit, ariſing out of the Rates or Monies by this Act made payable, ſuch Perſon or Perſons ſhall, from and after his and their making or entering into any ſuch Contract, or of his and their holding and enjoying any ſuch Place of Profit, and during the reſpective Time any ſuch Contract ſhall ſubſiſt, or of his and their holding and enjoying any ſuch Place of Profit, be incapable of acting as a Truſtee or Truſtees in or under this Act, or in the Execution of the Authorities and Powers to them given.

Truſtees may contract for removing Obſtructions about *Wellhead*, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby impowered to contract and agree with any Perſon or Perſons willing and proper to undertake to remove any Obſtructions that may at any Time happen to be in or about the ſaid Spring called Wellhead, within the ſaid Town of Halifax, or in or about the Channel or Watercourſe leading from thence towards the ſaid Town; and to prevent any Obſtructions therein, either by Mud, Rubbiſh, Dirt, Stones, or otherwiſe, for the future, in ſuch Manner and for ſuch a Time as they the ſaid Truſtees, or any Seven

and for bringing the Water from other Springs.

or more of them, ſhall think expedient; and alſo to contract and agree with any Perſon or Perſons willing and proper to undertake to convey Water to the ſaid Town, from any ſuch other Springs as are already diſcovered, or may hereafter be diſcovered near the ſaid Town, in

ſuch

ſuch a Manner as the ſaid Truſtees, or any Seven or more of them, ſhall from time to time think expedient for the good Purpoſes intended by this Act; and that it ſhall and may be lawful for ſuch Undertaker and Undertakers, or their Servants or Workmen, or others employed by them, having an Order ſigned by the ſaid Truſtees, or any Seven or more of them, to enter upon, dig, or break up, the Soil of any public Highway, or Street, or any Common or Waſte Ground within Four Miles of the ſaid Town of Halifax, in order to ſearch for or diſcover any Spring or Springs of Water, or of any Private Grounds or Poſſeſſions within the ſame Diſtance, where any Springs ſhall be known or reputed to be, in order to drain and collect the Water of all or any ſuch Springs, or to make a Reſervoir or Reſervoirs ſufficient for the receiving and keeping ſuch Water, or to erect Conduits, Waterhouſes, or Engines, neceſſary for diſtributing ſuch Water into the ſeveral Parts of the ſaid Town, and alſo with Horſes, Carts, Carriages, and Workmen, to enter into the Private and ſeveral Grounds and Poſſeſſions of any Perſon or Perſons whatſoever, and Bodies Politick or Corporate, lying between any ſuch Spring and the ſaid Town, and to lay under Ground Aqueducts and Pipes, in ſuch Manner and in ſuch Places as ſhall be moſt convenient for conveying Water from ſuch Springs, Reſervoir or Reſervoirs, Conduits, Waterhouſes, or Engines, to the ſaid Town, and in like Manner from time to time, and at all Times hereafter, to repair or alter ſuch Reſervoir or Reſervoirs, Conduits, Waterhouſes, or Engines, or to repair or alter all or any of ſuch Aqueducts or Pipes as ſhall be needful; ſave and except the ſeveral Mill Pools, Goits, Dams, Streams, Races, and Reſervoirs of Water belonging to Charles Ingram Eſquire, now lying and being upon, or contiguous unto, the River or Brook called Halig or Halifax Brook, which runs from North to South, to and from the ſeveral Mills of the ſaid Charles Ingram, upon the Eaſt of the ſaid Town, between a certain Bridge commonly called Lee Bridge towards the North, and another Bridge called Salter Heble Bridge towards the South.

Springs may be dug for in any Highway, &c.

Water may be collected into Reſervoirs, &c.

Truſtees may make Engines, &c.

And be it further enacted by the Authority aforeſaid, That if the ſaid Truſtees, or the ſaid Undertaker or Undertakers, ſhall not, or cannot make a perfect and valid Agreement with all Perſons or Bodies Politick or Corporate intereſted in ſuch private and ſeveral Springs,

If they can't agree with Owners,

Wells, Grounds, and Poſſeſſions, for Satisfaction to be made for Licence to uſe ſuch Springs, and to make ſuch Reſervoir or Reſervoirs, Conduits, Waterhouſes, and Engines, and to lay ſuch Aqueducts and Pipes, and at all Times hereafter to uſe, occupy, alter, and repair the ſame, for the Purpoſes of this Act, the Sheriff of the County of York is hereby authorized and required, upon the Requeſt of the ſaid Truſtees, or any Seven or more of them, or of the ſaid Undertaker or Undertakers, having an Order for that Purpoſe ſigned by the ſaid Truſtees, or any Seven or more of them, for that Purpoſe, to ſummon before them a Jury of Twenty four or more indifferent Men of the Neighbourhood not intereſted in the ſaid Undertaking, or in any of the Lands, Grounds, or Poſſeſſions in Queſtion; and out of the Perſons ſo ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; which Jury, upon Examination of Witneſſes upon Oath (which Oath any One of the ſaid Truſtees is hereby impowered and required to adminiſter) ſhall, by their Verdict, determine what Satisfaction every ſuch Perſon, Corporation, or Body Politick, with whom no ſuch Agreement ſhall have been made as aforeſaid, ſhall be allowed and have, in reſpect of the Damage and Loſs which he, ſhe, or they may ſuſtain by ſuch entering into, digging, or breaking up the Soil, or uſing any or any Part of ſuch private or ſeveral Springs, Wells, Grounds, or Poſſeſſions, for the Purpoſes of this Act, and aſſeſs and proportion the ſame according to the ſeveral and reſpective Eſtates and Intereſts of every ſuch Perſon, Corporation, or Body Politick, in the ſaid Springs, Wells, Lands, Grounds, and Poſſeſſions; Notice being firſt given by Papers publickly affixed and ſet up at the ſaid Market Croſs and Church Doors, and alſo left at the ſeveral Dwelling-houſes of the ſeveral Occupiers of the ſaid Springs, Wells, Lands, Grounds, and Poſſeſſions, One Month at leaſt before ſuch Enquiry; which Verdict and Determination ſo made and had, ſhall be binding to all Parties concerned, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, as well Infants as Femes Covert, and all others, their Heirs, Executors, Adminiſtrators, and Aſſigns, and all and every other Perſon or Perſons whatſoever, claiming by, from, or under him, her, or them.

Damages to be ſettled by Jury.

Verdict of the Jury to be binding.

Pro-

Provided always, and be it further enacted by the Authority aforeſaid, That all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Seven or more of them acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and upon any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on the ſaid Jury; or being ſo ſworn and refuſing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be examined and give Evidence, and, from time to time, to levy ſuch Fine or Fines in the ſame Manner as any other Penalties or Forfeitures are hereafter directed to be levied, ſo as no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all ſuch Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Rates or Rents, authorized by this Act to be raiſed, are to be applied.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Provided alſo, and be it further enacted by the Authority aforeſaid, That in caſe any Jury to be ſummoned and ſworn as aforeſaid ſhall give a Verdict for no more, or for leſs Monies than ſhall have been offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes ſhall be borne by the Perſon or Perſons, Bodies Politick or Corporate, with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; and ſuch Expences having been aſcertained and ſettled by Two of His Majeſty's Juſtices of the Weſt Riding of the ſaid County of York, ſhall be deducted and taken out of the Monies ſo aſſeſſed, and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, Bodies Politick or Corporate, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be

be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Premiſſes not to be entered upon till Satisfaction made.

Provided further, and be it enacted by the Authority aforeſaid, That until Payment of ſuch Recompence or Satisfaction as ſhall be ſo agreed to be paid, or ſhall be ſo aſcertained or aſſeſſed by Verdict to or for the Uſe of the ſeveral Perſons or Bodies Politick or Corporate, to whom Satisfaction ſhall be ſo agreed or determined to be made, or until Tender thereof ſhall be made to every ſuch Perſon or Body Politick or Corporate, his, her, or their known Agents or Receivers, or until Payment thereof to the ſaid Sheriff, to and for the Uſe of ſuch Perſons or Bodies Politick or Corporate, it ſhall not be lawful for the ſaid Truſtees, or any of them, or for the ſaid Undertaker or Undertakers, or any other Perſon or Perſons, by virtue of this Act, to enter upon, dig, break up, or make uſe of, any or any Part of the Springs, Wells, private Grounds, or Poſſeſſions of any Perſon, Body Politick or Corporate whatſoever, in order to collect the ſaid Springs, or otherwiſe make uſe of any of the ſaid Springs, Wells, Lands, Grounds, or Poſſeſſions, for the Purpoſes of this Act; any thing herein before contained to the contrary notwithſtanding.

Grounds not to be broke up further or deeper than neceſſary.

And be it further enacted by the Authority aforeſaid, That the Undertakers, and other Perſons employed in the ſaid Undertaking, ſhall not, in making the ſaid Reſervoir or Reſervoirs, Conduits, or other Works, or in laying the ſaid Aqueducts or Pipes, within or without the ſaid Town, or hereafter in repairing or altering the ſame, break up Ground any deeper, or in any other Manner, than ſhall be abſolutely neceſſary; and if any Road or Pavement ſhall be broken up in the Execution of this Act, the ſame ſhall be repaired and made good by the ſaid Undertaker or Undertakers as ſoon as may be, who ſhall alſo, at all Times, order and contrive that the ſaid Undertaking be carried on with as little Damage and Annoyance as the reſpective Circumſtances will admit.

Roads, &c. to be made good.

Penalty on prohibiting Workmen, &c. after Satisfaction made.

And be it further enacted by the Authority aforeſaid, That from and after ſuch Payments made for Satisfaction as aforeſaid, if the ſaid Undertaker or Undertakers, his or their Agents or Workmen, ſhall be prohibited, at any Time hereafter, to enter into, dig, or break up, for the Purpoſes of this Act, any ſuch private or ſeveral Grounds or Poſſeſſions, or to make ſuch Reſervoir

Reſervoir or Reſervoirs, Conduits, Waterhouſes, or other Works, or to lay ſuch Aqueducts or Pipes, or, at any Time hereafter, to alter or repair the ſame, or be otherwiſe reſiſted, interrupted, or moleſted, in the Execution of the ſaid Undertaking, by any Owner, Poſſeſſor, or Occupier, of any ſuch Ground or Poſſeſſion, or by his, her, or their Miniſter, Officer, Agent, or Servant, or by any other Perſon or Perſons whatſoever; every ſuch Perſon ſo prohibiting, reſiſting, interrupting, or moleſting, the ſaid Undertaker or Undertakers, his, her, or their Agents or Workmen, or any or either of them, contrary to the true Meaning of this Act, and being thereof convicted on Oath before Two or more Juſtices of the Peace for the ſaid County of York ſhall forfeit and pay to the ſaid Truſtees, for every ſuch Offence, the Sum of Five Pounds, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the ſaid Juſtices, rendering the Overplus, if any, to the Owner, on Demand.

And, for defraying the Expences of obtaining and putting this Act in Execution; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Thirteen or more of them, or for ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall, from time to time, appoint for that Purpoſe, and they are hereby impowered, to aſk, demand, receive, and take, of and from every the Inhabitant or Occupier of any Houſe, Tenement, or Hereditament, within the ſaid Town, who ſhall chooſe and ſhall have the Water which ſhall be conveyed to the ſaid Town, either from the ſaid Well-head Spring Watercourſes, or elſewhere, by virtue of this Act, laid into their reſpective Houſes, Tenements, or Hereditaments, ſuch Rent, or Sum or Sums of Money, to be paid yearly, or otherwiſe, as the ſaid Truſtees, or any Thirteen or more of them, ſhall, from time to time, agree upon and appoint, ſo as the annual Rent or Sum to be paid for any One Dwelling-houſe, ſeparate Tenement, or Hereditament, do not exceed the Sum of Forty Shillings; all which Sum and Sums of Money ſhall be, and the ſame are hereby, veſted in the ſaid Truſtees, and ſhall be applied to and for the ſeveral Uſes, Intents, and Purpoſes, of this Act, and not otherwiſe.

Perſons having the Water laid into their Houſes, to be rated;

but ſhall not gain any Settlement thereby.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons by being charged with, or paying to, any Rent, Rate, or Aſſeſſment, to be made or raiſed by virtue of this Act, nor by being any ways employed under this Act, ſhall thereby gain any Settlement.

Springs, &c. veſted in the Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of the ſaid Spring called Wellhead, and alſo the Watercourſe iſſuing therefrom, and alſo the Right and Property of all other Springs that may at any Time be made uſe of for the Purpoſes of this Act, and alſo of the Watercourſes leading from the ſame to the ſaid Town, other than and except the ſeveral Mill Pools, Goits, Dams, Streams, Races, and Reſervoirs of Water, belonging to Charles Ingram Eſquire, now lying and being upon, or contiguous unto, the River or Brook called Haleg or Halifax Brook, which runs from North to South, to and from the ſeveral Mills of the ſaid Charles Ingram upon the Eaſt of the ſaid Town, between a certain Bridge commonly called Lee Bridge towards the North, and another Bridge called Salter Hebble Bridge towards the South; and alſo of all Reſervoirs, Conduits, Waterhouſes, Engines, Buildings, Aqueducts, Pipes, or other Neceſſaries, erected, made, or uſed, for the Purpoſes of this Act, and of the Materials for making, providing, or preſerving, the ſame, ſhall be, and the ſame are hereby veſted in the ſaid Truſtees appointed, or to be appointed, by or in purſuance of this Act; and they, or any Seven or more of them, are hereby impowered to diſpoſe thereof as they ſhall think proper, and to bring Actions in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Treaſurer for the time being; or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion of the Property thereof.

Penalty on Perſons injuring the Works.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully break the Door or Lock, or any Part of the Building of any Conduit, Waterhouſe, or Engine, to be erected and provided in purſuance of this Act, or ſhall fetch or carry away any Water, either for his, her, or their own Uſe, or the Uſe of any other Perſon, or ſhall wilfully cauſe the Water to run to waſte from any ſuch Conduit, Waterhouſe, or Engine, or from any Reſervoir provided for the Purpoſes of this Act, or ſhall wilfully

and maliciouſly cut, damage, break, ſteal, carry away, or deſtroy, any or any Part of the Aqueducts, or Pipes laid under Ground, or otherwiſe made uſe of for the Purpoſe of this Act, or any Part of any Building or Materials, uſed or provided for the Purpoſes aforeſaid, or ſhall caſt or put into any of the Conduits, Watercourſes, Reſervoirs, Ciſterns, or Pipes, provided or uſed for the Purpoſes of this Act, any Filth, Dirt, Rubbiſh, Soil, Gravel, Stones, Dogs, Cats, dead Carcaſes, or Carrion, or other unwholſome Thing, or ſhall waſh or cleanſe therein any Cloathes, Wool, Hemp, Flax, or other noiſome Thing, or make or convey any Sink, Sewer, or Ditch, into any of the ſaid Conduits, Watercourſes, Reſervoirs, or Ciſterns, or to have any Fall into the ſame, or do any other Annoyance thereto; every Perſon ſo offending in any of the ſaid Caſes, and being thereof convicted by his or her own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace for the ſaid Weſt Riding; which Oath ſuch Juſtice is hereby authorized and required to adminiſter; ſhall, for every ſuch Offence, pay to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to receive the ſame, ſo much Money, as ſhall be adjudged by the major Part of the Truſtees preſent at any Meeting to be adequate to the Damage done by any ſuch Offender reſpectively; and if any ſuch Offender ſhall not, on ſuch Conviction, forthwith pay the ſaid Money, ſo to be adjudged to be by him or her paid, or give Security for the ſame, to the Satisfaction of the ſaid Truſtees, or the major Part of them preſent at any ſuch Meeting, it ſhall and may be lawful to and for ſuch Juſtice, to commit every ſuch Offender to the Houſe of Correction, there to remain and be kept to hard Labour, for any Time not exceeding One Month, at the Diſcretion of ſuch Juſtice, unleſs ſuch Offender ſhall ſooner pay the ſaid Money; and the ſaid Juſtice ſhall and may, if he thinks proper, order ſuch Offender to be whipped in the publick Market Place of the ſaid Town, or in the ſaid Houſe of Correction, before his Diſcharge out of the ſame, if he ſhall not pay the ſaid Money.

Waſte Water to be conveyed into Mr. *Ingram*'s Upper Mill-dam.

And be it further enacted by the Authority aforeſaid, That all the ſpare and waſte Water to be brought by Works made by Authority of this Act, after ſerving the Inhabitants of the ſaid Town of Halifax, ſhall,

ſhall, by proper Channels or Drains to be made and maintained at the Expence of the ſaid Truſtees, be conveyed or made to run from ſome Point below the Smithy Stake, in the Street called the Skelden Gate, upon a ſufficient Level to convey the waſte Water running from the upper Part of the ſaid Town, through the ſaid Street, into the upper Mill Dam of Charles Ingram Eſquire.

Truſtees may borrow Money on the Credit of the Rates.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Thirteen or more of them, from time to time, to borrow and take up at Intereſt any Sum or Sums of Money which they ſhall think neceſſary for the Purpoſes of this Act; and by Writing or Writings under their Hands and Seals, or under the Hands and Seals of any Thirteen or more of them, to aſſign over the ſeveral Rents to be collected by virtue of this Act, or any Part or Proportion thereof, for any Term or Number of Years, to the Perſon or Perſons lending the ſame, for ſecuring the Re-payment of any ſuch Sum and Sums of Money, and Intereſt thereupon; but no Money ſhall be borrowed by the ſaid Truſtees on the Credit of this Act, after the firſt Meeting of the ſaid Truſtees, unleſs Notice in Writing under the Hands of Seven or more of the ſaid Truſtees for that Purpoſe, be affixed upon the ſaid Market Croſs and Church Doors at leaſt Thirty Days before the borrowing of ſuch Money.

Rents exempted from Taxes.

And be it further enacted and declared, That the ſaid Rates or Rents to be collected by virtue of this Act, ſhall at all Times hereafter be exempt from the Payment of any Cares, Rates, Aſſeſſments, or Impoſitions whatſoever; any Law or Statute to the contrary notwithſtanding.

Aſſignments may be tranſferred, and the Manner of doing it.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Mortgage or Mortgages, Aſſignment or Aſſignments, ſhall be made by the ſaid Truſtees, as a Security or Securities for any Sum or Sums of Money by any Perſon or Perſons lent on the Credit of this Act, or who ſhall be intitled to the Monies thereby ſecured, may and is and are hereby impowered from time to time, by Aſſignment to be indorſed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Preſence

Preſence of Two or more credible Witneſſes, to aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the principal Money and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; which ſaid Aſſignment ſhall be produced and notified to the Clerk or Clerks to the ſaid Truſtees within Thirty Days next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment, containing the Dates, Parties Names, and Sums of Money therein mentioned to be tranſferred, in a Book to be kept for that Purpoſe, for which the ſaid Clerk or Clerks ſhall be paid ſuch Sum or Sums of Money as the ſaid Truſtees, or any Thirteen or more of them, ſhall order and direct; and after ſuch Entry made, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee may in like Manner aſſign, and ſo toties quoties; and that it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall make ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

No Preference to be given to Perſons lending Money.

And be it further enacted by the Authority aforeſaid, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing ſuch Sum or Sums, but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Act, in equal Degree one with another.

Expence of obtaining the Act to be paid.

And be it further enacted by the Authority aforeſaid, That the Charges and Expences incurred in obtaining this Act of Parliament, ſhall be paid by the ſaid Truſtees, or any Thirteen or more of them, out of the firſt Monies that ſhall be raiſed by virtue of this Act, or borrowed upon the Credit thereof.

Application of Reſidue of Money.

And be it further enacted by the Authority aforeſaid, That the Monies that ſhall ariſe by the Rents and Payments authorized by this Act to be demanded and taken, ſhall, after paying and defraying the Expences of obtaining this Act as aforeſaid, be applied by the ſaid Truſtees, or any Seven or more of them, in the next Place, and, from time to time, in the neceſſary Expences of repairing the ſaid Wellhead Spring, and conveying

Water to the ſaid Town for the Uſe of the Inhabitants thereof, as aforeſaid, and in diſcharging and keeping down the Intereſt of the Money which ſhall be borrowed upon the Credit of this Act; and that the Surplus of ſuch Rents and Payments, after paying and providing, from time to time, for the Matters aforeſaid, ſhall be applied in Diſcharge of the Principal Money which ſhall be borrowed upon the Credit hereof.

Perſons not having the Water laid into their Houſes may uſe the Water of the Old Spring upon Conditions.

And be it further enacted by the Authority aforeſaid, That the ſeveral Perſons at preſent occupying, or who ſhall, at any Time hereafter, occupy, the ſeveral and reſpective Eſtates through which the Water iſſuing from the Spring called Wellhead now runs within and towards the ſaid Town, and alſo ſuch other of the Inhabitants of the ſaid Town, who ſhall not chooſe to have the Water laid into their Houſes, and pay for the ſame, in Manner herein before directed, ſhall, in conſideration of their paying, from time to time, to the ſaid Truſtees, or any Thirteen or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to receive the ſame, a Rate or Aſſeſſment of Two Pence in the Pound, for every Pound Rent which they, or any of them, ſhall yearly and every Year be reſpectively aſſeſſed to the Land Tax, towards keeping the ſaid Spring called Wellhead, and the Watercourſe iſſuing therefrom, in Repair, have proper Places, Troughs, or Ciſterns, allotted and provided them, for taking up and holding Water for ſuch their reſpective Uſes, as they would by any Law, Uſage, or Cuſtom, have been intitled to, in caſe this Act had not been made, except for watering of Land, in or near to the uſual open Places in the ſaid old Watercourſe, without paying any other Sum or Gratuity for the ſame; any thing herein before contained to the contrary notwithſtanding: But if any Perſon or Perſons being ſo rated or aſſeſſed for the Purpoſe of keeping the ſaid Spring and Watercouſe in Repair, and ſhall make uſe of the Water thereof as aforeſaid, ſhall neglect or refuſe to pay the ſaid Rate or Aſſeſſment within Thirty Days after the ſame ſhall become due and be demanded, it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo neglecting or refuſing, returning the Overplus, if any, upon Demand, to the Owner of ſuch

ſuch Goods and Chattles; and in caſe the Perſon or Perſons ſo neglecting or refuſing to pay the ſaid Rates or Aſſeſſments in Manner aforeſaid, ſhall have no Goods or Chattles whereon ſufficient Diſtreſs can be made, then it ſhall and may be lawful for any One Juſtice of the Peace for the ſaid Weſt Riding, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Houſe of Correction, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment, unleſs the ſaid Rate or Aſſeſſment, and all Charges attending ſuch Diſtreſs and Sale, ſhall be ſooner paid and ſatisfied.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors, Clerk or Clerks, Treaſurer or Treaſurers, and other Officer and Officers, to be employed for, under, and for the Purpoſes of this Act, as they ſhall think neceſſary or proper, and ſhall take ſuch Securities for the due Execution of their reſpective Offices, as they ſhall think fit, and may remove ſuch Collectors, or other Officers, or any or either of them, and appoint others in their Stead; but Ten Days previous Notice ſhall be given by Writing affixed upon the ſaid Market Croſs and Church Doors of every Meeting, when any ſuch Appointment or Removal ſhall be intended, after the firſt Meeting of the ſaid Truſtees; and out of the Money ariſing by virtue of this Act, the ſaid Truſtees, or any Thirteen or more of them, ſhall and may allow ſuch Salaries and Rewards, and make ſuch Allowances to the ſaid reſpective Officers, and to ſuch other Perſons as ſhall be any ways aſſiſting in the Execution of this Act, as to the ſaid Truſtees, or any Thirteen or more of them, ſhall ſeem reaſonable; and ſuch Collectors, Treaſurers, and other Officers, and every of them, ſhall, at any Meeting of the ſaid Truſtees (if thereunto required, by any Seven or more of them) deliver in upon Oath (which Oath the ſaid Truſtees, or any One or more of them, are hereby impowered to adminiſter) a true, exact, and perfect Account in Writing, under their reſpective Hands, of all Monies which he and they, and every of them, ſhall have received and diſburſed by virtue of this Act, on account of his or their reſpective Offices; and in caſe ſuch Collectors, Treaſurers, and other Officers, or any or either of

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

Officers refuſing to account,

of them, ſhall refuſe or neglect to give a true and perfect Account in Writing as aforeſaid, or ſhall knowingly or wilfully deliver a falſe or imperfect Account, or ſhall refuſe or neglect to produce or deliver up the Receipts or Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall refuſe or neglect to pay over all the Monies remaining in his or their Hands unto ſuch Perſon or Perſons as the ſaid Truſtees, or any Thirteen or more of them, ſhall by Writing under their Hands and Seals impower to receive the ſame, and if any Clerk or other Officer ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or any Seven or more of them, at the next publick Meeting of the ſaid Truſtees, held Ten Days at the leaſt after being thereunto required by any Seven or more of ſuch Truſtees, all the Books, Papers, and Writings, in his Cuſtody, and relating to the Execution of this Act, that then, and in either of the ſaid Caſes, any Two or more Juſtices of the Peace, at any Special Seſſions, or other Meeting of them, to be held for the County in which the ſaid Collector, Clerk, Treaſurer or other Officer ſhall reſide, ſhall make Enquiry of and concerning ſuch Default, in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes; which Oath the ſaid Juſtices are hereby impowered and required to adminiſter without Fee or Reward; and if any Perſon ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party to the Common Goal of the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment, or ſhall have compounded for the ſame, and paid ſuch Compoſition; which Compoſition the ſaid Truſtees, or any Thirteen or more of them, are hereby impowered to make; or until he ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Thirteen or more of them.

Juſtices may enquire into the Default;

and commit the Offender,

until he ſhall conform, or compound for the ſame.

And be it further enacted by the Authority aforeſaid, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and being then ſigned by their Clerk or Clerks by Order of the ſaid Truſtees, as the Caſe ſhall require, ſhall be deemed and taken to be Original Orders,

Proceedings, &c. to be entered in a Book.

ders, as if the ſame were under the Hands and Seals of the ſaid Truſtees; which ſaid Book or Books ſhall and may be produced and read in Evidence in all Caſes, and in any Suit or Suits, or Action, touching any Thing done in purſuance of this Act.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Indorſement, Transfer, or other Security for borrowing of Money, or other Writing whatſoever, relating to the Execution or in purſuance of this Act, ſhall be charged or chargeable with any Stamp Duty whatſoever.

No Order to be repealed unleſs 13 Truſtees are preſent.

And be it further enacted by the Authority aforeſaid, That no Order made by the ſaid Truſtees, or any Seven or more of them, in, for, or concerning the executing the Truſts, Powers, and Authorities of this Act, or any of them, ſhall be revoked, repealed, altered, or ſet aſide, by any ſubſequent Order of the Truſtees, unleſs Thirteen Truſtees ſhall be preſent at a Meeting to be held for that Purpoſe, of which Meeting, and the Intent thereof, Fourteen Days previous Notice ſhall be given by Writing to be affixed upon the ſaid Market Croſs and Church Doors.

Rights of the ſeveral Lords of the Manors here mentioned not to be prejudiced unneceſſarily.

Provided always, and be it further enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, alter, or defeat, the Right, Title, or Intereſt of the preſent or any future Lord or Lords of the reſpective Manors of Wakefield, Halifax, Ovenden, and Warley, or any of them, in and to any Waſte, or Waſte Ground, Highway, or Road, or any Spring or Springs of Water already diſcovered, or that hereafter may be diſcovered within the ſaid Manors reſpectively, except ſo far as the ſame may be neceſſarily made uſe of for the Purpoſes of this Act.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons for any Thing done or to be done by virtue or in purſuance of this Act, or in relation to the Matters herein contained, ſuch Actions and Suits, and every of them, ſhall be commenced within Six Calendar Months next after the doing the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done,

and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in Pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs, in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers, in such Action or Actions, Judgement shall be given for the Defendant or Defendants; then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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FINIS.