ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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applicable to the Undertaking hereby authorized, except as hereinafter mentioned.

Commissioners not to take Lands except with Consent.

II. Provided always, and be it enacted, That nothing in this Act or in the said "Lands Clauses Consolidation Act" shall authorize the Commissioners to be appointed under this Act to purchase, take, or use any Lands unless with the Consent of and by Agreement with the Owners, Lessees, or Occupiers thereof.

10 & 11 Vict. cc. 16. 34. and 89. extended to this Act.

III. And be it enacted, That the "Commissioners Clauses Consolidation Act, 1847," the "Towns Improvement Clauses Act, 1847," and the "Towns Police Clauses Act, 1847," shall (save as they are expressly varied, excepted, or altered by this Act) be incorporated with and form Part of this Act.

Turnpike Trustees not to lay out Money or collect Tolls in the Town of Bingley.

IV. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road within the Limits of this Act to erect any Toll Gate or Bar or to collect any Toll on any Part of the Roads under their Care and Management nearer to the Town of *Bingley* than where the present Toll Gates are now placed upon or across the said Turnpike Roads, nor to collect any Toll within or upon the Street or Way beginning at the South-western Corner of the Vicarage House, and extending in a South-easterly Direction through the main Street of the Town of *Bingley* to the South-easterly End of *Milton Mill*, now in the Occupation of *Joseph Leach*, nor shall such Trustees lay out any Money upon the said Street or Way between the Points aforesaid: Provided always, that nothing in this Act or the said Acts incorporated herewith contained shall be deemed or construed to preclude such Trustees from collecting any Toll or laying out any Money upon any Turnpike Road within the Limits of this Act, and not included within the Limits of the said Streets or Ways hereinbefore defined.

Short Title.

V. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Proceedings it shall be sufficient to use the Expression "The *Bingley* Improvement Act, 1847."

Commissioners.

VI. And be it enacted, That *David Wilkinson Sharp*, *John Beanlands*, *Thomas Jowett*, *James Cheadle* Clerk, *Thomas Hodgson*, *William England*, *William Milner*, *Joseph Dean*, *Edward Sharp*, *John Dunn*, *William Anderton*, *James Garnet*, *Joseph Anderton*, *John Craven*, *John Dean*, *William Sharp*, *John Bradley*, *Isaac Smith*, *Thomas Walker*, *Thomas Weatherhead*, *George Dryden*, *Walker Waddington*, *John Outerside*, *Benjamin Beck Skirrow*, *Samuel Atkinson*, *Joseph Snowden*, *Walter Milligan*, *John Moulding*, *Benjamin Broadbent*, *John Harrison*, *John Foster*, *John Read*, *John Carr*, *Henry Thomas*, *Benjamin Gott*, *George Slicer*, *James Hardy*, *John White*, *Richard Laycock*, *Jonas Sharp*, and *Joseph Leach*, shall be the first Commissioners for carrying this Act into execution.

Duties of Commissioners.

VII. And be it enacted, That the Commissioners herein-before named and their Successors, to be appointed and qualified as hereinafter mentioned, shall be the Commissioners for the Purposes of this Act,

Act, and for making and maintaining all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and in the Acts and Clauses of Acts incorporated herewith, and shall be called "The *Bingley* Improvement Commissioners."

Limits of the Act.

VIII. And be it enacted, That this Act shall be put in force within and shall comprise the following Limits; (that is to say,) so much and such Parts of the several Hamlets of *Bingley*, *Micklethwaite*, and *Harden* situate in the Township of *Bingley* otherwise called *Bingley with Micklethwaite*, in the Parish of *Bingley* in the West Riding of the County of *York*, as is and are within a Boundary or Limit commencing at and including the whole of the Bridge over the River *Aire* situate in the aforesaid Hamlets of *Bingley*, *Micklethwaite*, and *Harden*, some or one of them, commonly called or known by the Name of "*Ireland Bridge*," and following the Eastern Side or Bank of the River *Aire*, in a North-westerly Direction to the furthest or Westerly Corner of the Fence of a certain Field or Piece of Wood-ground called the *Brow*, belonging to the Reverend *Thomas Gerard Ferrand* Clerk, and occupied by *Thomas Hodgson*, at the Point or Place where such Fence abuts upon the said River; thence in a direct Line in a North-easterly Direction to the furthest or North-easterly Corner of another Field belonging to the said Reverend *Thomas Gerard Ferrand* called "*Castle Fields*," occupied by the said *Thomas Hodgson*; thence in a direct Line in an Easterly Direction across the *Bradford* and *Keighley* Turnpike Road, up to and until it reaches the "*Five Rise Locks*" of the *Leeds and Liverpool* Canal; thence direct across the said Canal, and then along the Eastern Side of such Canal in a South-easterly Direction up to and until it reaches the nearest or Northerly Corner of the Fence of a Field called "*Piper Acre*," belonging to Mrs. *Sarah Ferrand* and *William Busfeild Ferrand* Esquire, or one of them, occupied by *William England*, at the Point or Place where such Fence abuts upon the said Canal; thence in a direct Line in an Easterly Direction across the *Bingley* and *Otley* Highway up to and until it reaches the furthest or South-easterly Corner of a Field called "*The Ing*," belonging to *George Lane Fox* Esquire, and occupied by *Benjamin Beck Skirrow*; thence in a direct Line in a Southerly Direction across the *Bingley* and *Gilstead* Highway, up to and until it reaches the South-easterly Corner of a Field or Piece of Ground called "*Myrtle Pashire*," belonging to the Devisees of the late *Walker Ferrand* Esquire, deceased, and to the said *William Busfeild Ferrand* Esquire, some or one of them, occupied by *John Outterside* and others as Cowgates, at the Point or Place where the Fence of the said Pasture abuts upon the said *Bradford* and *Keighley* Turnpike Road, and which said Fence divides the said Pasture from an adjoining Field which belongs to the said Devisees and the said *William Busfeild Ferrand*, some or one of them, called "*The Brigg Flatt*," occupied by the said *John Outterside* and others as Garden Allotments; thence, proceeding up or following the Course of the said last-mentioned Fence, in a South-westerly Direction up to and until it reaches the said River *Aire*; thence along the said River *Aire* on the Eastern Side or Bank thereof in a Westerly Direction up to and until it reaches *Ireland Bridge* aforesaid.

IX. And

Town to be lighted, paved, &c. by Commissioners.

IX. And be it enacted, That the Commissioners shall and may, subject to the Provisions of this Act and of the Acts and Clauses of Acts incorporated herewith, cause to be lighted, paved, cleansed, sewered, drained, regulated, and improved the Streets, Highways, public Passages, and other Places within the Limits aforesaid, and do all necessary Acts for promoting the Health and Convenience of the said Town and Neighbourhood of *Bingley* within the said Limits, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts and the Clauses of Acts incorporated herewith.

Qualification of Commissioners.

X. And be it enacted, That every Commissioner under this Act shall have the following Qualifications, (that is to say,) he shall either be rated to the Rate made for the Relief of the Poor of the Township of *Bingley* within the Limits of this Act on the net annual Value of Fifteen Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Limits of the annual Value of Forty Pounds for an Estate not less than a Life in being, or for a Term originally created of not less than Ninety-nine Years, for his own Use, or be possessed of a personal Estate of not less than Five hundred Pounds beyond what will satisfy all his Debts.

Manner of voting for Commissioners.

XI. And be it enacted, That, subject to the Provisions of this Act, the Mode of Proceedings at all Meetings for the Election of Commissioners, and the Manner and Right of voting thereat, shall be the same as are prescribed in an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, and in an Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and correct an Act of the last Session of Parliament for the Regulation of Parish Vestries in* England, except otherwise provided for by this Act: Provided always, that no Person shall be entitled to vote in the Election of Commissioners, unless he shall be rated under the Provisions of this Act to the annual Value of Five Pounds.

58 G. 3. c. 69.

59 G. 3. c. 85.

First and other Meetings.

XII. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at some convenient Place within the Limits of this Act on the Fifth *Wednesday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and proceed to put this Act into execution; and every subsequent annual Meeting of the Commissioners shall be held on the Second *Wednesday* in the Month of *June*, between the Hours aforesaid.

Not necessary to hold monthly Meetings.

XIII. Provided always, and be it enacted, That nothing in this Act or the said "Commissioners Clauses Act, 1847," shall extend to compel the Commissioners to hold monthly Meetings for the Transaction of general Business.

Commissioners may provide Places for

XIV. And be it enacted, That it shall be lawful for the Commissioners to provide Lands and Buildings fit and convenient for the depositing of Stone and other Materials for the Highways, and for such Purposes

Purposes to purchase or hire any Lands, Messuages, or Buildings, or any Part of such Lands, Messuages, or Buildings, which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to let or sell the same, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act or of the Acts or Clauses of Acts incorporated with this Act.

Deposit of Stone, &c.

XV. Provided always, and be it enacted, That nothing in this Act or any Act incorporated herewith shall make the Service of any Writ or Proceeding at Law or in Equity a good Service by the same being transmitted through the Post Office.

As to Service of Writs, &c.

XVI. And be it enacted, That all Conveyances and Leases of Lands to be purchased or hired by the said Commissioners may be made to Two or more of the said Commissioners as Trustees for the said Commissioners.

Conveyances, &c. to be made to two Commissioners in Trust.

XVII. And be it enacted, That the Owner of any House or Building abutting upon any existing Street within the Limits of this Act not vested in the Commissioners shall, if required by the Commissioners, pave or fence with Stones, or such Materials and in such Manner as the Commissioners shall prescribe, upon the Sides of such Street for the whole Length of such House or Building and the Premises occupied therewith, a Causeway or Footway for the Use of Foot Passengers, with respect to any Street not of the Width of Twenty Feet of the Width of Three Feet, with respect to any Street of the Width of Twenty Feet and not exceeding the Width of Twenty-four Feet a Footway of the Width of Four Feet, with respect to any Street exceeding the Width of Twenty-four Feet and not exceeding the Width of Thirty Feet a Footway of the Width of Five Feet, in any Street exceeding the Width of Thirty Feet a Footway of the Width of Six Feet.

Owner to pave Footways if required.

XVIII. And be it enacted, That the Owner of any Court or Passage within the Limits of this Act shall, to the Satisfaction of the Commissioners, sufficiently flag or pave such Court or Passage, or such Part thereof of which he shall be the Owner, and lay with Stone and Flags One or more Drains or Channels, at a proper Level, through, over, or along the same, or through, over, or along such Part thereof as the Commissioners may require, and keep the Flagging of such Court or Passage or of such Part thereof as aforesaid, and also such Drains or Channels, in good Repair, to the Satisfaction of the Commissioners; and if any such Owner of any Court or Passage, or of any Part of any Court or Passage, shall not sufficiently flag or pave the same as aforesaid, or shall not lay with Stone and Flags such Drain or Channel as aforesaid, or shall not repair and keep the same Flagging, Pavements, and Drains or Channels, or such Part thereof respectively as shall belong to him, in good Repair, to the Satisfaction of the Commissioners, or shall not cause his Houses in any such Court to be sufficiently drained and so kept and continued to the Satisfaction of the Commissioners within One Month next after Notice in Writing for that Purpose from the Commissioners shall have been given to such Owner, or left for him

Owners of Courts and Passages to flag them and keep the Flagging in Repair.

at his usual or last known Place of Abode in *England*, or, in case such Owner shall be unknown or be out of *England*, left upon or fixed to the Premises in respect of which the same shall be given, then and in every such Case such Owner so making Default shall for every such Default forfeit any Sum not exceeding Five Pounds, and any Sum not exceeding Ten Shillings for every Week during which such Default shall in anywise continue unamended, provided that in lieu of Flags any Material or Preparation approved by the Commissioners may be used, and in such Case this Provision shall apply to such Material or Preparation so approved in like Manner as to Flags or Flagging.

Vaults and Drains to be kept in Repair.

XIX. And be it enacted, That all Vaults, Sewers, or Drains hereafter to be made under any Street or Way within the said Limits shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Lands or Tenements may be sold.

XX. And be it enacted, That the said Commissioners shall sell and dispose of any Lands, Tenements, or Hereditaments vested in them by virtue of this Act and the several Acts and Clauses of Acts incorporated with this Act which shall not be required for the Purposes of this Act, within Five Years after the same shall not be required, in the same Manner as superfluous Lands are required to be sold under the said "Lands Clauses Consolidation Act."

Application of Monies arising from Sale of superfluous Lands.

XXI. And be it enacted, That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any Lands under the Provisions of this and the said "Lands Clauses Consolidation Act" shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the said Improvement Rate.

Commissioners empowered to take Lease of Springs of Water and Waterworks from William Busfeild Ferrand, Esquire.

XXII. And whereas *William Busfeild Ferrand* Esquire is or claims to be the Owner of divers Springs or Streams of Water arising in or flowing through a certain Wood called *Bell Bank* or *Bell Bank Wood* and Lands on the West Side of the River *Aire*, and of certain Cisterns, Pipes, and other Apparatus and Works by means of which Water issuing from the aforesaid Springs hath for some Time past been supplied by the said *William Busfeild Ferrand* to the Inhabitants of the Town and Neighbourhood of *Bingley*, on the Payment to the said *William Busfeild Ferrand* of moderate Water Rents or Rates; be it enacted, That it shall be lawful for the Commissioners to agree with the said *William Busfeild Ferrand*, or any other Person who may for the Time being be entitled to any such Estate or Interest in the said Springs or Streams of Water, or in the said Wood and Lands, or the said Cisterns, Pipes, and other Apparatus and Works, as would, under

under the Provisions of "the Lands Clauses Consolidation Act, 1845," authorize or enable such Person to sell the same if the Commissioners were hereby empowered to purchase the same compulsorily for a Lease, and in pursuance of such Agreement (if entered into) actually to take a Lease of the said Springs or Streams of Water, Cisterns, Pipes, and other Apparatus and Works, or any of them, and either with or without any Liberties, Licences, Powers, or Authorities to take up and remove, and relay, alter, or reconstruct, any Pipes or other Works which may be in existence at the Time of the granting of any such Lease or Leases, or which may be laid down or constructed under or in pursuance of any Power or Provision to be contained in such Lease or Leases, and either with or without any other Liberties, Licences, Powers, or Authorities for any Purpose or Purposes whatsoever having reference to the Subject Matter of the Lease or Leases, or to the Waterworks for the Purposes of which such Lease or Leases shall be taken, for such Term or Period, at such Rent or Rents, and generally upon such Terms and under such Covenants, Conditions, and Stipulations, and with such Reservations or Exceptions, as shall be mutually agreed upon between the Parties, and from Time to Time to take any further or renewed Lease or Leases, upon similar or different Terms as to the said Commissioners shall seem advisable, and as shall be agreed upon between them and the said *William Busfeild Ferrand* or other the Person or Persons for the Time being entitled as aforesaid, and that the said *William Busfeild Ferrand*, or other the Person or Persons for the Time being entitled as aforesaid, shall have full Power to grant any such Lease or Leases as is or are herein-before mentioned, and to enter into any such previous Agreement as aforesaid.

10 & 11 Vict. c. 17. incorporated with this Act.

XXIII. And be it enacted, That the "Waterworks Clauses Act, 1847," shall be incorporated with this Act during the Continuance of any Lease or Leases of any Waterworks and Streams to be granted under the Powers of this Act; and the Expression "the Undertakers," wherever used in the said Waterworks Clauses Act, 1847, shall mean the Commissioners for the Time being authorized to carry this Act into execution; and the Expressions "the Undertaking" and "the Waterworks," wherever used in the said Waterworks Clauses Act, 1847, shall respectively mean the Springs of Water and the Works connected therewith hereby authorized to be taken by the Commissioners on Lease.

Water Rates to be applied as Improvement Rates.

XXIV. And be it enacted, That the Water Rates to be recovered under the Provisions of this Act and of the said "Waterworks Clauses Act, 1847," shall be applied for the same Purposes for which the Improvement Rates shall for the Time being be applicable in ease or diminution of such Rates.

Rent reserved on any Lease to be paid out of Improvement Rates.

XXV. And be it enacted, That the Rent or Rents to be reserved by any Lease or Leases to be taken by the Commissioners under the Provisions of this Act, and all the Monies which shall become payable by the Commissioners in performance of the Covenants to be contained in any such Lease or Leases, shall for the Purposes of this Act be considered as Part of the Expences of carrying the several

Provisions

Provisions of this Act into execution, and shall be defrayed out of the Rates and Monies which under the Provisions of this Act shall be liable to the Payment of such Expences.

Limitation as to supply of Water for domestic Purposes.

XXVI. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Power for Commissioners to light the Streets.

XXVII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required from Time to Time to cause the several Streets within the Limits of this Act to be lighted with Gas, Oil, or otherwise, at such Times and in such Manner as shall be necessary and proper, and to provide, lay, and affix such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Notice to be given to the Bingley Gas Company, and the Owner or Lessee of the Bingley Waterworks, before breaking up Streets.

XXVIII. And be it enacted, That in every Case where by reason of or in order to the opening, making, raising, widening, or altering the said Streets or any of them by the Commissioners there shall be Occasion to alter, raise, take up, remove, or relay any of the Pipes of the *Bingley* Gas Company or their Tenants, or others claiming under them, or any of the Pipes of and belonging to the present *Bingley* Waterworks, the Commissioners or their Clerks shall previously to the opening, making, raising, widening, or altering of the said Streets give or cause to be given to the said Company, and also to the Person or Persons who for the Time being shall be the Owner or Lessee of the said Waterworks, Three Days Notice in Writing, to be left at the Office of the said Company, and with the said Owner or Lessee, if residing within One Mile of *Bingley* aforesaid, in order that full Time and Opportunity may be afforded to the said Company, Owner, or Lessee to alter, raise, take up, remove, or relay the said Pipes as aforesaid, and which said Pipes shall be so altered, raised, taken up, removed, and relaid by the said Company, Owner, or Lessee, at the Expence of the said Commissioners; and if there shall be any Dispute between the Commissioners and the said Company, Owner, or Lessee, the same shall from Time to Time be settled and determined by a Justice of the Peace upon the Application of either Party, and such Justice shall and may settle, ascertain, and adjudge the Amount of any Sums of Money and Expences to be paid by the Commissioners to the said Company, Owner, or Lessee; and in case the said Company, Owner, or Lessee shall not, within a reasonable Time after Notice to be given as aforesaid, alter, raise, take up, remove, relay, or repair such of their said Pipes as may be necessary, then and in every such Case the said Commissioners may do so at their own Expence, and so as to occasion as little Interruption or Inconvenience to the said Company, Owner, or Lessee as may be.

Certain Provisions of 10&11Vict. c. 15. incorporated with this Act.

XXIX. And be it enacted, That all the Clauses and Provisions of the "Gas Works Clauses Act, 1847," with respect to Waste or Misuse of the Gas, or Injury to the Pipes and other Works, and with respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas, shall be incorporated with and form Part of this

this Act; and the Expression "the Undertakers," wherever used in such Clauses and Provisions, shall mean the Commissioners for the Time being authorized to carry this Act into execution.

Improvement Rate to be levied.

XXX. And in order to raise Money for the Purposes of carrying the Provisions of this Act and of the Acts and Clauses of Acts incorporated with this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year, or oftener if they shall think it necessary so to do, to make One or more equal Rate or Rates, Assessment or Assessments, upon the Occupiers or Holders of rateable Property within the Limits of this Act, according to the annual rateable Value of the same, to be called "The *Bingley* Improvement Rate," so as such Rates or Assessments do not exceed in any Year the Sum of Two Shillings and Sixpence in the Pound on such annual rateable Value: Provided always, that it shall not be necessary for the Commissioners to make any Sewer Rate distinct from the said Improvement Rate.

Improvement Rate may be increased by Consent of a general Meeting of Ratepayers.

XXXI. Provided always, and be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings and Sixpence in the Pound is not sufficient for the Purposes for which the Improvement Rate is authorized to be levied, it shall be lawful for the Commissioners, with the Consent of the Majority of Ratepayers assembled at the annual Meeting for the Settlement of Accounts, to increase the said Rate for the current Year, so as the same do not in any One Year exceed the Sum of Three Shillings and Sixpence in the Pound on such rateable Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them, One Month previous to such annual Meeting, by Placards posted in some public Places, and on or near to the Doors of all Places of Public Worship within the Limits of this Act.

Rates when to be made, and rateable Property defined.

XXXII. And be it enacted, That every such Rates as aforesaid shall be made by the Commissioners at yearly, half-yearly, or quarterly Periods, or oftener if they shall think it necessary, upon all Persons being the Occupiers or Holders of all Houses, Shops, Warehouses, Offices, Mills, Manufactories, Dye-houses, Coach-houses, Foundries, Furnaces, Breweries, Workshops, Stables, Cellars, Vaults, Sheds, and other Erections and Buildings, Wharfs, Yards, Orchards, Gardens, Lands, Tenements, and Hereditaments whatsoever (except as hereinafter mentioned), situate within the Limits of this Act, according to the annual rateable Value of the same, and the said Rates shall not require to be allowed by any Justice or Justices, and the same shall from Time to Time be collected and paid yearly, half-yearly, or quarterly, or oftener if the Commissioners shall think proper, and shall commence from such Time after the Commencement of this Act as the Commissioners shall think fit: Provided always, that every Person who shall occupy or hold any Land used as Arable, Meadow, Pasture, or Woodland only, or any Stable or Building used for the Purposes of Husbandry only, shall be rated in respect of the same to the Improvement Rate, in the Proportion of Two Thirds only of such annual rateable Value of such Lands, Stables, or Buildings respectively.

Churches and Chapels, &c. not to be rated.

XXXIII. Provided always, and be it enacted, That no Person shall be rated to any Rate whatever made in pursuance of this Act for or in respect of any Church, Chapel, Meeting-house or other Building exclusively used for Public Worship, or any Building exclusively used for the gratuitous Education of the Poor, or for the Purposes of public Charity, or any Building or Land belonging to the Commissioners.

Power to Commissioners or Justices to remit or give Time for Payment.

XXXIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce, remit, or give Time for the Payment of any Rate, on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Owners to pay the Rate in certain Cases.

XXXV. And be it enacted, That the Owners of all rateable Property within the said Limits the yearly Rent or Value whereof respectively shall not exceed Five Pounds, or which shall be let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made instead of the Occupiers thereof.

Power to borrow on Mortgage of Improvement Rate.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized from Time to Time to borrow and take up at Interest on the Credit of the Rate herein-before authorized to be made and levied, and to be called "The *Bingley* Improvement Rate," of and from any Person who shall be willing to advance the same, any Sum or Sums of Money which, together with any Sum previously borrowed on the Credit of the same Rate, shall not exceed the Sum of Ten thousand Pounds, and in the event of all or any Part of such Money being repaid by the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the said Rate any more than the Sum of Ten thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so to be borrowed with Interest at a Rate not exceeding Five Pounds *per Centum per Annum* the Commissioners may mortgage and assign over the said Improvement Rate, or any Part thereof, to the Person who shall advance or lend such Money or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Monies borrowed on Security of Rate to be paid off in a Period of Thirty Years.

XXXVII. And be it enacted, That, in order to discharge the Principal Money of any such Sum or Sums of Money as shall be borrowed on Security of the said Rate, it shall be lawful for the Commissioners, and they are hereby authorized and required, yearly and every Year to deduct, appropriate, and set apart and apply out of such Rate such a Sum of Money as shall be in proportion to One Thirtieth Part of the Money borrowed or secured, and which at that Time shall remain due and secured as aforesaid upon the said Rate as and for a Sinking Fund, and the Sum or Sums so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Sums charged upon and owing on the Credit

of

of the said Rate, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of the Commissioners, the Dividends and Interest of the Monies when so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest, and when such accumulated Fund shall amount to a Sum which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money; and the Monies arising from any such Sale or Conversion shall be applied in the Manner herein-after directed in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

Power for Mortgagees to enforce Payment by the Appointment of a Receiver.

XXXVIII. And be it enacted, That it shall be lawful for any Mortgagee or Mortgagees of the Commissioners, to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies and Interest due on such Mortgage or Mortgages not being duly paid, the Amount owing to the Mortgagee or Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Improvement Rate.

XXXIX. And be it enacted, That all Monies to arise from the Rates to be raised and levied under the Name of "The *Bingley* Improvement Rate," and all Money to be raised on the Credit of the same, and all other Money which may come into the Hands of the Commissioners in carrying the Provisions of this Act into execution, shall be applied in the Manner following; (that is to say,) in the first place in paying the Costs and Expences of obtaining and passing this Act or incident thereto, and then in carrying the several Provisions of this Act into execution, as the Commissioners shall order and determine.

Interpretation of Act.

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

The Words "Town and Neighbourhood of *Bingley*" shall mean the Limits of this Act as the same are herein defined:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace to be held in and for the West Riding of the County of *York*:

The Word "House" shall include any Messuage, Dwelling House, Tenement, Shop, Warehouse, Mill, Manufactory, Building, or other Inclosure, and every Part thereof.

Saving Rights of Owner of Bingley Waterworks and others.

XLI. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall be taken to curtail or prejudice the Privileges and Authorities of any Owner or Lessee of the *Bingley* Waterworks

Waterworks, or any Gas Company or other public Company, or other Body or Person authorized by Law to take up the Pavements, Flagging, or other Materials of any Street, or to deposit any Materials thereon for Building or other Purposes.

Reservation of Rights of the Lord of the Manor of Bingley.

XLII. Provided always nevertheless, and be it enacted, That nothing herein contained shall extend to, nor be deemed, construed, or taken as in anywise extending to extinguish, prejudice, or affect any Right, Privilege, or Franchise now belonging to *George Lane Fox* Esquire, the Lord of the Manor of *Bingley*, or other the Lord of the said Manor for the Time being, in respect of any Market or Fair usually holden within the Limits of this Act, but that all such Rights, Privileges, and Franchises respectively shall remain, continue, and be used, exercised, and enjoyed in the same Manner in all respects as if this Act had not been made.

Public Act.

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

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